NEW YORK

Edward J. Seagert, Attica.
Frederic M. Buckley, Boonville.
Archie C. Montanye, Esperance.
Dennis W. Daly, Lockport.
Edward J. McSweeney, Long Lake.
Dennis Shannon, New York Mills.
Dennis T. Dillon, Jr., Raquette Lake.
Thomas J. Reilly, Silver Springs.
Nora E. Feeley, Skaneateles Falls.
Philip J. Smith, Webster.

OREGON

Mae M. Humphrey, Boring.
Hampton T. Pankey, Central Point.
Albert H. Fasel, Estacada.
Edwin Allen, Forest Grove.
Thomas R. Roe, Gaston.
Carl H. Massie, Grants Pass.
Harold C. Kizer, Harrisburg.
Winifred G. Wisecarver, McMinnville.
Oscar L. Groves, Monmouth.
Harvey C. Knapp, North Portland.
Sadie B. Jones, Oakridge.
Henry R. Crawford, Salem.
Ruby I. Loundree, Sandy.
Henry Alm, Silverton.
Frank H. Fawk, Willamina.
Howard F. Butterfield, Woodburn.

SENATE

TUESDAY, MAY 31, 1938

(Legislative day of Wednesday, April 20, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, May 28, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pepper
Andrews	Davis	King	Pittman
Austin	Dieterich	La Follette	Pope
Bailey	Donahey	Lee	Radcliffe
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gerry	McAdoo	Shipstead
Borah	Gibson	McCarran	Smathers
Brown, Mich.	Green	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Milton	Tydings
Byrnes	Herring	Minton	Vandenberg
Capper	Hill	Murray	Van Nuys
Caraway	Hitchcock	Neely	Wagner
Chavez	Holt	Norris	Walsh
Clark	Hughes	O'Mahoney	Wheeler
Connally	Johnson, Calif.	Overton	White

Mr. MINTON. I announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Oregon [Mr. REAMES] are detained from the Senate because of illness.

The Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from Illinois [Mr. LEWIS], and the Senator from North Carolina [Mr. REYNOLDS] are detained on important public business.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of the death of his wife.

The VICE PRESIDENT. Eighty-eight Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolutions of the Legislature of the State of Louisiana, which were referred to the Committee on Finance:

House Concurrent Resolution No. 6

Whereas the Congress of the United States has enacted the Social Security Act providing for aid to aged, needy individuals, aid to needy blind persons, and aid to dependent children, and therein provided for payments to the States of certain amounts conditioned upon the States passing legislation conforming to the requirements of said act of Congress, and matching, in the proportions required, funds of the Federal Government for said purposes; and

Whereas the Legislature of the State of Louisiana in the year 1936 enacted certain acts adopting and conforming to the provisions of said act of Congress, and since said date has conformed to and received such benefits as are provided by said act of Congress for her aged needy individuals, needy blind persons, and dependent children; and

Whereas the Legislature of Louisiana undertook to provide payments for the purpose of enabling her old people, blind persons, and dependent children "to live compatible with decency and health"; and

Whereas in order to secure payments from the Federal Government, the Department of Public Welfare of Louisiana has to make detailed investigations and employ hundreds of workers to build case records and fulfill the many requirements of the Social Security Board in Washington and large amounts of money has been expended to meet said requirements and regulations; and

Whereas this money should be saved and an economical administration of public welfare had and the money derived from taxing the people conserved and spent for the relief of the distress and want of our poor and unfortunate people without the great expense attendant to our State-Federal system of administration of public welfare; and

Whereas the distress and misery of our old people, blind, and dependent children may be greatly relieved by well-defined rules and regulations affecting the administration of public welfare, to be determined and stated by statute rather than evolved by departments and bureaus, and the findings of the department of public welfare of any State should be conclusive as to eligibility and the whole duty and responsibility of administrating public welfare should be left to the States without any sort of dictation or interference from the Federal Government or any agency, department, or bureau thereof: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the State of Louisiana (the senate concurring), respectfully petition the Congress of the United States to amend the Social Security Act of Congress by providing therein with certainty and precision who are entitled to the benefits thereunder, with the same amounts to be paid to all similarly situated, without discrimination, and that the whole responsibility and details of administration be left to the States, and that any department of public welfare of any State be final and binding on the Federal Government; be it further

Resolved, That a copy of this resolution be sent to the Senate of the United States, the House of Representatives of the United States, and to each of the Senators and Members of the House of Representatives who represent the State of Louisiana in Washington.

House Concurrent Resolution No. 7

Whereas the Legislature of the State of Louisiana in the year 1936 passed several acts conforming to the requirements of the Social Security Act of Congress of the United States and thereby accepted all of the requirements and benefits of said act of Congress providing for Federal aid and participation in aid to aged, needy individuals, aid to needy blind, and aid to dependent children; and

Whereas under the terms of said Social Security Act of Congress Louisiana is not the recipient of any Federal aid for any of said purposes except in cases where Federal funds are matched, and then in the proportions set out in and governed by the provisions of said act of Congress; and

Whereas Louisiana has been unable to provide sufficient funds to secure the full amounts that may be obtained from the Federal Government under the provisions of said act of Congress; and

Whereas the people of the State of Louisiana contribute their pro rata of the taxes levied by the Congress of the United States to provide revenue for the administration of said act of Congress, and the purpose of said Social Security Act is being thwarted by the inability of our State to raise funds sufficient to match Federal funds and otherwise meet the requirements of said act; and

Whereas the funds derived from the levying of such taxes should be distributed among the States on a fair and equitable basis without the conditions and requisites of said act of Congress calling for matching by the State before the Federal Government

will pay over said funds for the relief of misery and distress among our people; and

Whereas the plan of operation and disbursement of funds as provided by said Social Security Act of Congress is causing many hardships and much suffering amongst the aged, blind, and dependent children of Louisiana, which should be eliminated by prorating the revenue derived from taxation levied and collected to provide the governmental benefits intended by said act on the basis of "equal rights to all and special privileges to none"; and

Whereas the members of the House of Representatives of the State of Louisiana are convinced that much of the suffering amongst the old people, blind, and dependent children of Louisiana is due to the unfair and inequitable administration of said Social Security Act of Congress and may be easily ended by amending said act by providing that the revenue collected for the purposes covered by said act be allocated and paid over to the States without the prerequisite requirement of contribution and matching by the States: Now, therefore, be it

Resolved, That we, the members of the House of Representatives of the State of Louisiana (the senate concurring), respectfully petition Congress of the United States to amend the present Social Security Act of Congress by providing that the revenue derived from the taxes levied by Congress and collected to provide the governmental benefits set forth in said Social Security Act of Congress be paid to the States who have conformed to the requirements of said act without it being required that as a condition precedent that the States contribute to or match said funds; be it further

Resolved, That a copy of this resolution be sent to the Senate of the United States, the House of Representatives of the United States, and to each of the Senators and Representatives from Louisiana who represent the State of Louisiana in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Louisiana, which was ordered to lie on the table:

House Concurrent Resolution 11

Concurrent resolution relative to H. R. 10340 and S. 419, bills pending in the Congress of the United States providing for appropriation of funds to assist the States and Territories in providing more effective programs of public education

Whereas H. R. 10340, a bill to promote the general welfare through the separation of funds to assist the States and Territories in providing more effective programs of public education, is now pending in the House of Representatives of the United States; and

Whereas S. 419, a bill similar in purpose, has been introduced in the Senate of the United States; and

Whereas, under the provisions of H. R. 10340, appropriations are authorized to make available funds for making payment to the several States in providing plans and facilities for the improvement of public elementary and secondary schools; and

Whereas the immediate passage of these bills would be of material benefit to the State of Louisiana and its citizens generally; and

Whereas it is the sense of the Legislature of the State of Louisiana that the funds to be appropriated should be made available for the 1938–39 school term: Now, therefore, be it

Resolved by the House of Representatives of the State of Louisiana (the senate concurring), That this legislature does hereby endorse and approve the provisions of H. R. 10340 and S. 419 and does respectfully suggest that the funds authorized to be appropriated for payment to the States be made available for the 1938–39 school term; be it further

Resolved, That this legislature hereby petition the Congress of the United States to enact H. R. 10340 and S. 419 at the present session of Congress; be it further

Resolved, That a copy of this memorial, duly authenticated, be sent by the secretary of state to the President of the Senate, the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Louisiana, which was ordered to lie on the table:

House Resolution 4

Be it resolved by the Legislature of Louisiana that—

Whereas the National Youth Administration of Louisiana has carried on a program of constructive vocational training of inestimable value to the youth of our State through work projects; and

Whereas the National Youth Administration has provided hundreds of scholarships for youth, both in high school and in college: Therefore be it

Resolved, That the Legislature of Louisiana does hereby express its approval of this valuable and far-reaching program and urge the Congress of the United States to provide adequate and increased funds for this program; be it further

Resolved, That the secretary of state of Louisiana be, and he is hereby, requested to send a certified copy of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, Members of Congress from the State of Louisiana, and Hon. Aubrey Williams, executive director of the National Youth Administration.

The VICE PRESIDENT also laid before the Senate petitions of sundry citizens of the States of New York and Pennsylvania, and members of Washington Camp No. 53, Patriotic Order Sons of America, of Mamaroneck, N. Y., praying for the enactment of legislation to stop all immigration to the United States, for the deportation of certain aliens, and the adoption of an amendment to the Constitution excluding aliens from the right of free speech when they advocate the overthrow of the Government or the assassination of public officials, and providing for the deportation of such aliens upon conviction, also the enactment of a tariff law sufficiently high to keep all foreign commodities from entering the United States that can be produced in this country, which were referred to the Committee on Immigration.

Mr. VANDENBERG presented petitions of sundry citizens of the State of Michigan, praying for the repeal of the so-called Crop Control and the Wagner Acts, also for the enactment of tariff legislation pertaining to farm products that will be high enough to create for the United States a favorable balance of trade, which were referred to the Committee on Agriculture and Forestry.

Mr. COPELAND presented a resolution adopted by Kings County Lighting Co. American Legion Post, No. 261, Brooklyn, N. Y., favoring the enactment of legislation giving World War veterans unrestricted preference for employment in the P. W. A. and the W. P. A., which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the forty-third annual convention of the New York State Association of Manufacturing Retail Bakers, favoring the granting of governmental relief only to the aged, sick, and disabled, and providing that all others shall be compensated only for an honest day's work, and so forth, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Local Union No. 848, Brotherhood of Painters, Decorators and Paperhangers of America, of New York City, N. Y., favoring the enactment of legislation to remove the ban on the shipment of munitions of war to Spain, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by officers and members of the Central Civic Association of Hollis, N. Y., favoring the enactment of the bill (H. R. 2716) to provide for the local delivery rate on certain first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the executive committee of the Citizens Unemployed Relief League, of Buffalo, N. Y., favoring the prompt enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

He also presented a letter in the nature of a memorial from the Rochester (N. Y.) Chamber of Commerce, remonstrating against the enactment of the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes, which, with the accompanying statement, was ordered to lie on the table.

He also presented a resolution adopted by the board of directors of the Maritime Association of the Port of New York, N. Y., favoring the enactment of the bill (S. 3876) relating to the transportation by railroad of persons and property for or on behalf of the United States, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 1787) to place warrant officers of the Coast Guard in the same status with warrant officers of the Navy as to being commissioned chief warrant officers upon length of service, reported it without amendment and submitted a report (No. 1920) thereon.

Mr. ADAMS, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 4027) providing that excess-land provisions of Federal reclamation laws shall

not apply to certain lands that will receive a supplemental water supply from the Colorado-Big Thompson project, reported it without amendment and submitted a report (No. 1921) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2056) to increase the limitation of cost upon the construction of buildings in national parks, reported it with an amendment and submitted a report (No. 1927) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1542. A bill to change the designations of the Abraham Lincoln National Park, in the State of Kentucky, and the Fort McHenry National Park, in the State of Maryland (Rept. No. 1928);

S. 2003. A bill to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes (Rept. No. 1929);

H. R. 5166. A bill to relinquish the title or interest of the United States in certain lands in Houston (formerly Dale) County, Ala., in favor of Jesse G. Whitfield or other lawful owners thereof (Rept. No. 1930);

H. R. 5592. A bill to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898 (30 Stat. 409, 414) (Rept. No. 1931);

H. R. 6243. A bill to authorize a survey of the old Indian trail and the highway known as "Oglethorpe Trail" with a view of constructing a national roadway on this route to be known as "The Oglethorpe National Trail and Parkway" (Rept. No. 1932);

H. R. 7590. A bill to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala. (Rept. No. 1933);

H. R. 8134. A bill to quiet title and possession to certain lands in the Tennessee River in the counties of Colbert and Lauderdale, Ala. (Rept. No. 1934);

H. R. 8252. A bill to quiet title and possession to a certain island in the Tennessee River in the county of Lauderdale, Ala. (Rept. No. 1935);

H. R. 8773. A bill to authorize the Secretary of the Interior to dispose of surplus buffalo and elk of the Wind Cave National Park herd, and for other purposes (Rept. No. 1936); and

H. R. 9371. A bill authorizing the grant of a patent for certain lands in New Mexico to Mitt Taylor (Rept. No. 1937).

Mr. HATCH, from the Committee on the Judiciary, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 4017. A bill to redistrict South Carolina and to divide said districts into divisions; and to amend paragraph 4n, section 1, Judicial Code (U. S. C., title 28, Supp. III, 1929), and section 105, Judicial Code (U. S. C., title 28, par. 186, 1925), as amended, and section 105, Judicial Code, as amended (U. S. C., title 28, par. 186, 1936), and for other purposes (Rept. No. 1922);

S. 4050. A bill to repeal section 2 of the act of June 16, 1936, authorizing the appointment of an additional district judge for the eastern district of Pennsylvania (Rept. No. 1923); and

H. R. 9468. A bill to amend the act of May 13, 1936, providing for terms of the United States district court at Wilkes-Barre, Pa. (Rept. No. 1924).

Mr. VAN NUYS, from the Committee on the Judiciary, to which was referred the bill (S. 4086) to provide for holding terms of the District Court of the United States for the Eastern District of Virginia at Newport News, Va., reported it without amendment and submitted a report (No. 1938) thereon.

Mr. BULOW, from the Committee on Indian Affairs, to which was referred the bill (S. 3830) for the relief of William C. Willahan, reported it with amendments and submitted a report (No. 1925) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 3745) to amend Public Law No. 383, Seventy-third Congress (48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indian tribe on the Standing Rock Reservation located in the States of North and South Dakota, reported it without amendment and submitted a report (No. 1926) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH:

A bill (S. 4113) to amend section 302 of the Tariff Act of 1930 (46 Stat. 686), as amended, so as to exempt Guam and American Samoa from internal-revenue taxes; to the Committee on Finance.

By Mr. GREEN:

A bill (S. 4114) providing for the refund of certain taxes paid by State and municipal officers and employees; to the Committee on Finance.

By Mr. BULOW:

A bill (S. 4115) for the relief of Bessie Bear Robe; to the Committee on Indian Affairs.

By Mr. McNARY:

A bill (S. 4116) to authorize the construction of the Umatilla Dam in the Columbia River, Oreg. and Wash.; to the Committee on Commerce.

By Mr. THOMAS of Oklahoma:

A bill (S. 4117) granting a pension to Margaret B. Barker (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS of Utah:

A bill (S. 4118) to require reports to the Department of Labor by contractors and subcontractors on public buildings and public works concerning employment, wages, and value of materials, and for other purposes; to the Committee on Education and Labor.

By Mr. BULKLEY:

A bill (S. 4119) to authorize the Secretary of War to lend War Department equipment for use at the 1938 National Encampment of Veterans of Foreign Wars of the United States to be held in Columbus, Ohio, from August 21 to August 26, 1938; to the Committee on Military Affairs.

By Mr. McCARRAN:

A bill (S. 4120) to provide for the issuance of renewable 4-year-term contracts to qualified star-route contractors and subcontractors, and for other purposes; to the Committee on Post Offices and Post Roads.

AMENDMENT TO RIVER AND HARBOR AUTHORIZATION BILL

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was ordered to lie on the table and to be printed.

AUTHORIZATION OF WORKS ON RIVERS AND HARBORS AND FOR FLOOD CONTROL—AMENDMENT

Mr. THOMAS of Oklahoma submitted an amendment intended to be proposed by him to the bill (H. R. 10618) authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes, which was ordered to lie on the table and to be printed.

DEPORTATION OF CRIMINAL AND OTHER ALIENS—AMENDMENT

Mr. THOMAS of Utah submitted an amendment intended to be proposed by him to the bill (H. R. 6391) to authorize the prompt deportation of criminals and certain other aliens, and for other purposes, which was ordered to lie on the table and to be printed.

RELIEF AND WORK-RELIEF APPROPRIATIONS—AMENDMENTS

Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, and Mr. WAGNER each submitted an amendment, and Mr. CAPPER submitted two amendments, intended to be proposed by them, respec-

tively, to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, which were severally ordered to lie on the table and to be printed.

EMPLOYMENT OF ALIENS BY GOVERNMENTAL DEPARTMENTS OR AGENCIES

Mr. McKELLAR submitted the following resolution (S. Res. 285), which was ordered to lie on the table:

Resolved, That each department and agency of the Government is requested to transmit to the Senate, at the beginning of the first session of the Seventy-sixth Congress, a list containing the names of all aliens employed by such department or agency, together with the reasons for their employment.

MARY L. HALL

Mr. TYDINGS submitted the following resolution (S. Res. 286), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Mary L. Hall, widow of William S. Hall, late a laborer in the employ of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

MEMORIAL DAY ADDRESS BY SENATOR WALSH

[Mr. LONERGAN asked and obtained leave to have printed in the RECORD an address delivered by Senator WALSH at the annual Memorial Day exercises at Arlington National Cemetery, May 30, 1938, which appears in the Appendix.]

MEMORIAL DAY ADDRESS BY SENATOR VANDENBERG, GETTYSBURG, PA.

[Mr. WHITE asked and obtained leave to have printed in the RECORD a Memorial Day address by Senator VANDENBERG at Gettysburg, Pa., May 30, 1938, which appears in the Appendix.]

STANDARD OF WAGES AND HOURS OF LABOR—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD a radio address on the subject Harmonizing the Wage-Hour Legislation in Conference, delivered by Senator THOMAS of Utah on Monday evening, May 30, 1938, which appears in the Appendix.]

STATEMENT TO HIS CONSTITUENTS BY SENATOR THOMAS OF OKLAHOMA

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a statement made by him to his constituents of the State of Oklahoma, which appears in the Appendix.]

THE CHARLES CARROLL OF CARROLLTON BICENTENARY CELEBRATION

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD addresses made in connection with the bicentenary celebration of the birth of Charles Carroll of Carrollton, with related matter, which appear in the Appendix.]

THE PAST YEAR'S PROGRESS UNDER THE SOCIAL SECURITY ACT

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a statement relative to the past year's progress under the Social Security Act, which appears in the Appendix.]

MINIMUM WAGES AND MAXIMUM HOURS—LETTER FROM BERNARD M. BARUCH

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD an open letter from Bernard M. Baruch to the editor of the New York Times, published in the New York Times of May 30, 1938, on the subject of minimum wages and maximum hours, which appears in the Appendix.]

BEN FRANKLIN, THE SPENDER—EDITORIAL FROM ST. LOUIS STAR-TIMES

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial entitled "Ben Franklin, the Spender," from the St. Louis Star-Times of the issue of May 25, 1938, which appears in the Appendix.]

TRADE AGREEMENTS AND THE SOUTHERN FARMER—ADDRESS BY HON. FRANCIS B. SAYRE

[Mr. McKELLAR asked and obtained leave to have printed in the RECORD an address delivered by the Honorable Francis B. Sayre, Assistant Secretary of State, before the East Tennessee Farmers Convention, held at the University of Tennessee, Knoxville, Tenn., on May 20, 1938, which appears in the Appendix.]

UTILITIES AND THE SPENDING PROGRAM—ARTICLE BY ARTHUR KROCK

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article published in the New York Times of May 31, 1938, in relation to utilities and the spending program, which appears in the Appendix.]

NATIONAL LABOR RELATIONS BOARD—DECISION OF SUPREME COURT OF THE UNITED STATES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD a decision by the United States Supreme Court in the matter of the petition of the National Labor Relations Board for a writ of prohibition and for a writ of mandamus.]

RIVER AND HARBOR AUTHORIZATIONS

Mr. COPELAND. Mr. President, it is very necessary to send the river and harbor bill to conference. We were on the verge of passing it Saturday afternoon, but it was thought advisable to have the bill go over until today. I do not think it will take 10 minutes to secure action upon it. I ask unanimous consent that the unfinished business be temporarily laid aside in order that the Senate may consider Calendar No. 1961, being House bill 10298, which is the omnibus river and harbor bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York that the unfinished business be temporarily laid aside for the purpose of considering at this time House bill 10298?

Mr. ADAMS. Mr President, I should like to make an inquiry of the Senator from New York. I have an amendment which I desire to suggest to the bill. Will the Senator afford an opportunity for the presentation of the amendment and not crowd the bill too fast? I did not know the bill was coming up, and I have not the amendment on my desk.

Mr. COPELAND. I will ask that the amendments reported by the committee be agreed to as they are found in the bill and then that the bill go back to the calendar if the Senator from Colorado desires in order that he may have an opportunity to present his amendment.

The VICE PRESIDENT. The Senator from New York makes an additional request.

Mr. BILBO. Mr. President, I object.

The VICE PRESIDENT. Objection is heard.

RELIEF AND WORK-RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects.

Mr. LOGAN. Mr. President, I do not want to take up the time on the pending amendment, but in view of the fact that a unanimous-consent agreement has been entered into which limits all debate on amendments to 15 minutes, and since I have an amendment which will take much more time to present than 15 minutes or the 30 minutes allowed on the bill, I find it necessary to make some suggestions from time to time about the amendment which I propose to offer at the proper time.

Let me say now that, in my judgment, we had just as well try to tack a shingle to a frog's back as ever to try to get this country out of its difficulties by appropriating money to spend for relief unless we do something more than that. So long as we have no stabilization of prices, so long as there is no satisfactory monetary system, we will never be able to have this country function as it should.

The amendment which I expect to propose at the proper time relates to the Federal Reserve Act. I may say that under the spending in which we have engaged during the past few years we succeeded very well in bringing about some degree of prosperity until the governors of the Federal Reserve Board last August determined that prices were getting too high; that we were returning to prosperity entirely too rapidly. Consequently, the Board took the step that it thought was necessary to stop that increase in prices. If there is anything in the world we need it is an upturn in prices.

There may be plenty of money in the banks, as has been suggested, but so long as no one has collateral upon which he can borrow money from the banks the money in the banks is of no benefit whatever to the public.

It may be, as has been contended by some, that the owners of money should invest it in different enterprises; but I undertake to say at this time that those who have money in their control will never invest it in any business so long as the trend of prices is downward. It would be a very foolish thing for any man to invest his money in anything at this time when he knows that tomorrow the prices of whatever he buys with his money will be less than they are today.

So the all-important thing for us to consider at this time—and I mean to do my best to get the Senate to consider the question—is what can we do to stabilize prices?

When a man invests his money in stocks or bonds or in other things it is important that he know that he is not going to lose his money. Under our present system of financial control, under our present monetary system, no one knows what is going to happen to his money when he invests it.

There has been a good deal of talk about stabilizing prices. It can be done. The Federal Reserve Board now has the power to do it; but it does not seem to understand exactly what is necessary in order to bring about an increase in prices. It knows how to reduce prices, because we find in its recent report that last August it thought prices were becoming too high, so it took steps to reduce prices. If we want the Federal Reserve Board to function as an agency of the Congress, it is necessary for us to give it a mandate and tell it what it must do; and if it does not do that then Congress must take such steps as are necessary to see that it does it.

It is within the power of Congress, and it is the duty of Congress to regulate the value of money. About 1914, if that is the correct date, we delegated to a board the power to regulate the value of money; but we gave the board no instructions whatever as to how it should proceed to do it. The amendment which I propose is that we shall now proceed to direct that agency to regulate the value of money in the only way in which it can be regulated.

When the Federal Reserve Act was passed, a good many years ago, I am quite sure many of you will remember at least we who are Democrats went around over the country boasting in our campaign speeches that all panics were at an end; that in the future there could never be another such thing as a panic. Of course we all fully realize that the administration of a law ofttimes is more important than the law itself; and for some years apparently we got along very well. But about 1920, after the World War was over, the Federal Reserve Board—and I have before me here its report made on May 17, 1920—took such steps as were necessary to reduce or to eliminate what it called the "vicious circle" of increasing wages and prices. Let me say in all sincerity that that act alone brought about a greater property loss to the United States than did the World War; and I am not sure that the ultimate result has not been that it has brought more deaths, through starvation and through other hardships which have been imposed upon the American people.

If we in the Congress are going to continue to allow an agency of the Government to undo what we do, I think there is no excuse for our attempting to bring about better conditions by appropriating money, as we propose to do under this joint resolution. We shall never be able to solve the difficulties that confront the Nation until we establish a stable currency. We shall never be able to bring prosperity to the country until we have a monetary system that will work.

Let me call the attention of the Senate to the fact that England had many troubles in regard to her monetary system. She went off the gold standard; she went back on the gold standard; but at last, about 6 years ago, she embarked upon the idea of managed currency. Since that time England has increased her production, has increased the incomes of the citizens of her nation by at least 50 percent, and has greatly reduced unemployment; while we have been going on in a haphazard sort of way, attempting to increase spending in the Nation by the appropriation of money out of the Treasury, and so far we have gotten nowhere. It is true that we made some progress; but since last August prices have been going down, and everything has been going to smash. Why? Simply because we have made no effort to stabilize our currency.

Mr. WHEELER. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. LOGAN. I yield.

Mr. WHEELER. I call attention to the fact that the prices of many farm products today are lower than they were in 1933, if we compute them upon the old gold standard. In other words, with reference to gold, farm prices today in many instances are lower than they were in 1933.

Mr. LOGAN. That is a sad, sad fact. It is true that if we use gold as the basis, as we did in 1933, prices of many farm commodities now are lower than they were then. I suppose many of us are going along, believing what a few great financiers tell us, that we do not know anything about money, and because we do not know anything about money that we ought not to try to do anything that will bring prosperity to the Nation. I, for one, declare now that I am enlisting for the war, and I shall not stop until we have done something to the Money Trust. We hear a great deal of talk about other monopolies; we have said much about conspiracies in restraint of trade and conspiracies to fix prices; but the one great trust which still controls the country is the Money Trust.

Let me make a suggestion.

Not long ago a great citizen of our country said something about applying the principles of the "horse and buggy" days to conditions of the present time. We are not only applying the principles of the "horse and buggy" days to our monetary policy now, but we go even farther back than that; we go back to the days of the oxcart. It may be that we have brought about a new deal in wages, or we are trying to, at least, in industry, and in the case of the farmers. We have been trying to do so; but we have not done a thing about the most important matter which concerns this country.

Mr. WHEELER. Mr. President, will the Senator further yield?

Mr. LOGAN. I yield.

Mr. WHEELER. I call attention to the fact that when we devaluated gold, we had something like a $2,000,000,000 paper profit; and we set aside that $2,000,000,000 paper profit, as was urged and recommended by the President, for the purpose of stabilizing currencies. I have not his exact statement before me, but the idea was that we were going to stabilize the currencies of the world and stop the depreciation of foreign currencies, which was breaking down prices in the United States.

After we had talked about the subject here in the Senate for a considerable period of time, even the United States Chamber of Commerce recognized the fact that the depreciated currencies of other countries were breaking down prices of farm products and other commodities in this country. President Hoover made a statement to that effect, and President Roosevelt made a statement to that effect, and we created the $2,000,000,000 stabilization fund. It was a secret fund. Since we created the $2,000,000,000 stabilization fund the depreciation of currencies has continued. Other coun-

tries, with the exception of England, have kept on depreciating their currencies just as they did before. Since creation of the stabilization fund the French franc has depreciated from over 6 cents to something over 2 cents. The Brazilian milreis has depreciated. The Italian lira, and all of the other currencies, including the currencies of the Orient, have depreciated.

What does that mean? It means that when the currencies of other countries are depreciated, the farmers of those countries are given an opportunity to put us out of business in dealing with foreign countries, and they are able to ship their products into this country and sell them below the prices for which the American farmer can sell his products.

One of two things has happened: Either the theory of the stabilization fund was not the correct one, or else the way in which that fund has been operated has not accomplished that which the Congress and the President intended. Nobody knows how the stabilization fund has been operated. When I say "nobody," I mean nobody except the Treasury Department and its experts and certain agents or persons in the Federal Reserve Bank of New York.

Now let me ask the Senator another question: The Congress of the United States, under the Constitution, is given the power to regulate money and fix the value thereof; but here is a fund of $2,000,000,000 in the operation of which no Member of Congress is apprised. No one knows how it has been operating. No one actually knows what it has been used for. We are told in the press dispatches that it has been used for the purpose of stabilizing the French franc at a level just over 2 cents. Only a private institution, the Federal Reserve bank in the city of New York, and agents of the Treasury know what is being done with this $2,000,000,000 fund. The Congress of the United States, which created it, does not know anything about it. We do not know whether that money is being used to sabilize the currency of other countries at a much lower figure than the American dollar or not. We do not know a thing about it, and it seems to me about time that the Congress knew something about what was being done with that $2,000,000,000. I agree with the Senator entirely; here we are today about to put through the Congress one of the greatest appropriations for relief the Congress has ever considered. We are confessing to the country that we have failed in the last 7 years in regulating prices and in pulling the country out of the depression. Of course, we have to pass the relief measure now pending, but when we do so we are confessing to the country that we have made a failure in the last year.

The VICE PRESIDENT. The Chair must call the attention of the Senator from Kentucky to the fact that his time on the amendment has expired.

Mr. WHEELER. I am very sorry, indeed, that I have taken the Senator's time.

Mr. LOGAN. I was glad to yield to the Senator.

The VICE PRESIDENT. The Senator has 30 minutes on the bill.

Mr. LOGAN. I will not take my time on the bill now.

Mr. WHEELER. Mr. President, may I say a word?

The VICE PRESIDENT. The Senator from Montana may be recognized on the amendment.

Mr. WHEELER. I will yield some of my time to the Senator from Kentucky.

The VICE PRESIDENT. The Senator from Montana is recognized.

Mr. WHEELER. I merely desire to say that, in my opinion, the Senator from Kentucky has hit upon a very important point which should be brought out when we are considering this big relief program. I had not intended to say anything about it, but I wish to repeat what I stated a moment ago, we in the Congress confess that all the things we have done heretofore have not brought back prosperity to the country.

It is all right to say that there has been a sit-down strike on the part of capital and that capital will not go ahead because of this or because of that. Perhaps that is partially true, but no one is going to refuse to do business if he can make money. The reason why the people will not invest is that given by the Senator from Kentucky, that people just cannot see any chance of making money. Our factories are closing; our mills are closing; goods are coming in from Japan; cotton manufactures are coming in over our tariff wall; farm products are coming in from Brazil; cattle are being shipped in from the Argentine; corn is being shipped in; wheat is being shipped in; barley is being shipped in; and all at a time when our farmers are being told to cut down their production. The American farmer is told to cut down the amount of wheat he produces; the corn farmer and the pig grower are told to cut down the amounts they produce; the cotton farmer is told to cut down what he is producing; and every other farmer is told the same thing.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WHEELER. I yield.

Mr. LOGAN. We are telling the farmers to curtail production when, as a matter of fact, if all of the American people had just the bare necessaries of life, they could consume everything the farmers can produce and everything the factories can put out. There must be something wrong with a system which makes it necessary for us to cut down the production of these things when there are people who actually need them. I cannot figure out any reason except that there is some trouble somewhere about our monetary system.

Mr. WHEELER. I am in thorough accord with the Senator's views, and, in my opinion, that is one of the fundamental things that has been wrong. It was the fundamental thing that was wrong in 1929, and it is one of the fundamental things that has brought about the depression through which we are passing at the present time. Yet we appropriate money out of the Treasury of the United States, on the one hand, to feed people, and, on the other hand, we are saying to the farmers, "Curtail production."

Last year there were imported into the United States farm products, including wood products, and textiles, to the extent of more than a billion dollars' worth in excess of what we exported. When these commodities and articles are imported from foreign countries, it means that we are giving work to the foreigner, that the American farmer loses the chance to sell what he raises, the American worker loses an opportunity to work on the raw materials, and the American railroads lose an opportunity to transport these materials.

Mr. McADOO. Mr. President, will the Senator yield?

Mr. WHEELER. In just a moment I will yield. The reason why these commodities are being imported at the present time over our tariff wall is because of the depreciated currencies in the other countries, to a large extent. I yield to the Senator from California.

Mr. McADOO. Will not the Senator from Montana be good enough to put into the RECORD a break-down of the imports to which he referred—a billion dollars' worth of farm products?

Mr. WHEELER. I shall be glad to. I have not the figures here, but I have them in my office.

Mr. BONE. Mr. President, how would or could the Secretary of the Treasury employ the stabilization fund so as to negative the effect of the depreciated currency of a country such as France, for instance? What mechanics would be employed either to stabilize the currency of another country or repel the unfortunate influences of a depreciated currency on our own operations?

Mr. WHEELER. The theory of the $2,000,000,000 stabilization fund was that the administration would be able to do what the Senator has suggested, negative the effect of the depreciated currencies of other countries. England, with her stabilization fund, sought to support the French franc at various times, and to support the other currencies when they were about to fall and about to be depreciated, and in that way to bring up the value of the money.

Mr. BONE. How did they support them?

Mr. WHEELER. They had to do it by going in and buying French francs, or government securities. That is what they did, and it was for such purposes that we established the $2,000,000,000 stabilization fund.

I have felt at no time that the United States Government could with a $2,000,000,000 stabilization fund stabilize the currencies of the rest of the world, but that was the purpose of the legislation creating such a fund. That was the reason given by the President of the United States and accepted by the Congress. I do not have before me the language he used, but that is what it was proposed to do. That has not been done. We do not know why it was not done. We do not know whether it could not be done, or whether an attempt was made to do it.

The Federal Reserve bank in the city of New York knows what has been done. They have the inside information. They have a man by the name of Knobe who has full knowledge of the fund and could say to the bankers, the insiders, the speculators, or anyone else, if he so desired, what is being done with reference to this matter. But no Member of Congress knows. The experts of the Treasury know what has been done, but is it not time that the Congress knew what was being done, particularly when we see farm prices dropping to the lowest point to which they have gone at any time, based upon the old gold content of the dollar, so that they are lower in comparison with the gold dollar than they were before?

With more unemployment in the country today than ever before, with more farmers going broke, with more mortgages being foreclosed, we confess that the Congress has not done anything to solve one of the most important questions facing the American people, if not the most important. We merely appropriate more money out of the Treasury. While that has to be done, and I am for it because we cannot let people starve; and I am in favor of building some of the proposed projects because I think it is necessary to do it; I think it is time we solved this more fundamental problem. But when are we going to do it? When is the Congress going to have the courage to take the initiative and try to do something about it?

We all admitted the difficulty in 1933; we admitted that that was one of the things that had to be settled. Of course, it is easy for us to stand here and say, "There is a capital strike, there is a sit-down strike upon the part of John Smith or John Doe." There is not going to be a sit-down strike if a man has a million or two million dollars and thinks he can make some money by investing it. He does not care who is President of the United States, or who is in the Congress of the United States, so long as he can make some money by his investment. That is what he is interested in, and if we are to live under the capitalistic system, there must be an opportunity for profit. That opportunity or lack of it dominates the financial actions of most people. They want profit upon their money, and they are not getting it now. We can use as an excuse to the American people anything we desire to say, but sooner or later they are going to realize that we have not reached down and have not done the thing we can do under the Constitution of the United States, a thing which would not be held unconstitutional by the Supreme Court or any other tribunal. They are going to realize that we have not done it; and we have not done it because we have not had the courage to do it.

The laboring man, the farmer, and the businessman are all going to find it out, and then they are going to demand that a Congress be elected which will have the courage to stand up and solve this fundamental question which confronts the American people—that of regulating the currency and creating a stable currency. If it cannot be done, let us then say it cannot be done. Let us state the facts.

Mr. President, a few years ago I stood on the floor of the Senate and fought for and argued for remonetization of silver, because then, when we were on the gold standard, I thought there was a maldistribution of gold in the world, and because of such maldistribution other countries were obliged to forsake the gold standard and were compelled to depreciate their currencies. I thought that if we added silver to our monetary base we would broaden the metallic base of the moneys of the world. Practically every country in the world is off the gold standard at the present time; so today there is practically no metallic base in this country or in any other country.

Therefore, in my judgment, the only other way to deal with the situation is through some form of a managed currency. If the countries of the world desired to return to a metallic base they could not go back on the gold standard, because there is not enough gold properly distributed for that purpose. Many countries lack any substantial amount of gold, and they likewise lack the means of securing it.

Mr. President, something must be done to solve the problem. Ordinarily I am not in favor of high tariffs. I think the high tariff bill passed during Mr. Hoover's administration was one of the fundamental causes of not only the depression in this country but of all over the world. When we enacted that tariff other nations responded with such retaliatory tariffs as to destroy the commerce and trade of the world. Then, too, various countries started to depreciate their currencies. Japan depreciated her currency something like 70 percent. Brazil depreciated her currency something like 40 percent. What did that mean to the American farmer, to the American textile worker, or to any other American? When the American farmer sold his wheat in Liverpool in competition with the Brazilian or the Argentine farmer he received exactly the same amount in sterling that the Brazilian and the Argentine farmer received. But when that money came back within the borders of the United States, within the borders of Brazil or within the borders of the Argentine, then it was translated into the various moneys of those countries, and when it was so translated into their money the Argentine farmer or the Brazilian farmer could pay off 40 percent more of his indebtedness, 40 percent more of his taxes, 40 percent more of his insurance, and he could pay 40 percent more in railroad freight rates, or 40 percent more of all his fixed charges than could the American farmer. We established a stabilization fund to cure that situation. It had come to the point when finally the businessmen began to recognize the evil situation, Mr. Hoover began to recognize it, and Mr. Roosevelt recognized it. Notwithstanding the establishment of the stabilization fund the same condition has prevailed.

Mr. President, I ask, Why does that condition still continue? Why have we not done what we said we would do? Does not the Congress have the right to know? Can we not be taken into the confidence of the bankers and can we not be trusted with the information which the Treasury Department has on that subject? Must the secret knowledge as to what is being done and how the moneys of this country are being manipulated always remain in the Treasury Department or a Federal Reserve bank?

The PRESIDING OFFICER (Mr. GEORGE in the chair). The time of the Senator on the amendment has expired.

The question is on agreeing to the committee amendment on page 2, lines 3 and 4, of the bill.

Mr. MILLER. Mr. President, the amendment, as I understand, is in lines 3 and 4, page 2 of the bill?

The PRESIDING OFFICER. Yes.

Mr. MILLER. I should like to ask the Senator from Colorado [Mr. ADAMS] just what the purpose was in changing that amount. I notice the President recommended an appropriation of $1,250,000,000, and the Senate committee has increased the amount to $1,425,000,000.

Mr. ADAMS. I will say to the Senator from Arkansas that the President's recommendation and the House provision were computed upon a 7-month basis, running until the 1st of February, with the idea that it would give the Congress a month after reassembling to consider the situation. The Senate subcommittee concluded that it would be wise to add an additional month and fix it upon an

8-month basis rather than a 7-month basis. Therefore the subcommittee added $175,000,000, which is the approximate amount allotted per month. So the increase does not represent an increase per individual upon the relief rolls, but an extension of the appropriation for an additional month.

Mr. MILLER. Until March 1, 1939?

Mr. ADAMS. That is correct.

Mr. MILLER. Did that have any connection with the amendment on page 3 of the bill where it is provided that $50,000,000 of the fund may be used more or less as a revolving fund for emergencies?

Mr. ADAMS. It had no connection with that. It did have a connection with the changed figures in several other lines, for instance, line 8 and line 11 on page 3, and on page 2, lines 21 and 22, the total increases in those three items representing the total amount of $175,000,000. The parts into which the appropriation was divided were increased by that amount. The $50,000,000 was put in the bill to make provision for direct relief. The bill as it came from the House did not authorize any money for direct relief. It limited the money exclusively to work relief. We were met with a situation in some of the great cities which seemed to make it imperative that the Government be authorized to provide some direct relief when it would not be feasible to provide work relief promptly enough. Therefore the President was given the authority to use $50,000,000 of this fund for direct relief. The committee did not increase the amount, but authorized the President to use $50,000,000 out of the appropriation for direct relief.

Mr. MILLER. I think that is a very good provision. Then the change in line 21, on page 2, increasing the amount provided for the highway fund to $484,500,000 from $425,000,000 is merely a proportionate distribution of the increased appropriation?

Mr. ADAMS. That is a distribution of the increase of $175,000,000.

Mr. NORRIS. Mr. President, I was very much interested in the discussion of one question between the Senator from Kentucky [Mr. LOGAN] and the Senator from Montana [Mr. WHEELER]. I hope I shall not be misunderstood now when I ask a question which came to my mind at the moment, and which has often come to my mind in considering the matter. I wish to say that, so far as I know, I agree with the Senators, at least I do as far as I understand their positions. Nevertheless, this question arose in my mind, and I should like to ask the Senator from Montana about it. He gave a very fine explanation of the situation of the American farmer who sells his products in Liverpool, in comparison with the Brazilian farmer and the Argentine farmer. All three of those farmers receive the same amount of money, but when they return home with the money the Brazilian farmer can, with the money he has received, pay 40 percent more on his debt, if he has a debt, than the American farmer can pay with the money he has received for his products. That situation has come about, as I understand, because Brazil has depreciated its currency. As I understand, the Senator would depreciate our currency, so that the American farmer, when he came home with his money which he received for his products, could pay 40 percent more than he can pay now on the debts he owes. Is that correct?

Mr. WHEELER. No, Mr. President. That has been suggested by some persons, but the trouble with depreciating currency is that when one country begins, another follows, and there will be a constant depreciation on the part of some countries and the final result will be that currencies will not be worth anything at all.

Mr. President, what I was suggesting was that the stabilization fund was not to be used for the purpose of depreciating our currency, but was to be used for the purpose of stabilizing other currencies so they would not have the distinct advantage they now have over us. I have sent to my office for a statement made by the President of the United States in which he called attention to the purpose for which the stabilization fund was established, and I will present it later.

Secondly, as I said to the Senator from Kentucky, if we obtain a condition of stable currencies throughout the world, then, in my judgment, tariffs should be lowered rather than raised. In view of the chaotic condition that exists at present in the world, when some countries are depreciating their currencies and are taking advantage of our farmers, and are shipping in a billion dollars' worth of products over our tariff walls, I think that until such time as the currencies of the world are stabilized, we must protect the home market for the American farmer.

Mr. NORRIS. Let me take up the question at that point. Before I do, I will say that the Senator has, I think, anticipated another question I was going to ask.

If, to meet the depreciated currencies of Brazil and other countries, we depreciated our currency on the same basis, so that our farmers, or any of our people who owe money would be able to pay so much more on their debts when they brought home the money for which they had sold their products, if we depreciated our currency only to the extent that other currencies are depreciated, would it not follow that after we did that, the other countries would again depreciate their currencies, and we would be in a vicious circle, going around and around, and being practically ruined in the end? The currencies would be depreciated way below any reasonable idea.

Mr. WHEELER. I think that is entirely correct. We depreciated our currency when we lowered the gold content of the dollar.

Mr. NORRIS. Yes.

Mr. WHEELER. We depreciated our currency in relation to other currencies. The French franc at that time was about 6½ cents, or 6.7 cents. Then the franc dropped to slightly over 4 cents. It has now depreciated to something over 2 cents. Whatever information on the subject I have has been obtained from the press dispatches. We get no information from the Treasury Department or the Federal Reserve bank in New York as to what they are doing. Like the late Will Rogers, all I know about the subject is what I see in the newspapers. The newspaper dispatches which I saw stated that through the stabilization fund in this country we were to join with England to stabilize the French franc at something over 2 cents. What does that action do to the American manufacturer? It requires so many more French francs to buy an automobile in the United States than used to be required that the Frenchman cannot buy an automobile in the United States. The same thing is true of shoes. The Frenchman can go to Czechoslovakia or some other country which has depreciated its currency, and, with his depreciated money, he can buy more shoes.

Mr. NORRIS. I understand that. I come to the next question which I wish to ask the Senator. Does the Senator believe that instead of our currency being depreciated it should remain the same, and that through a tariff we could meet the evil pointed out by reason of the depreciation of other currencies? Does the Senator think raising the tariff would be a cure?

Mr. WHEELER. It would help for a while. It would not help us in the foreign market. It would not help the American farmer when he sells his products on the foreign market. There is no question about that. But it would help to keep Brazil from shipping cattle into this country. We are asking the American farmer to cut down his production to meet the demand at home, and at the same time we are permitting producers in other countries, whose currency is depreciated, to ship their products into this country.

Mr. NORRIS. I think I understand that situation. My question is only for the purpose of obtaining light on the matter. We cannot control the action of other countries except by an agreement with them, which must be voluntary on their part, that they will not depreciate their currencies. If an increase of the tariff would bring about an equalization of the conditions which the depreciation has brought on us,

then we would have to maintain the tariff at a high rate so long as other countries continued to circulate depreciated currencies.

Mr. WHEELER. That is correct.

Mr. NORRIS. That probably would mean forever, would it not?

Mr. WHEELER. I do not think so.

Mr. NORRIS. I do not see how we could compel other countries not to depreciate their currencies. We would have to enter into an agreement with the other countries under which they would not depreciate their currencies.

Mr. WHEELER. Let me say to the Senator that I am hopeful that some sanity will return to the world with reference to the stabilization of the world's currencies.

Mr. NORRIS. I hope so, too; but I am rather discouraged about it.

Mr. WHEELER. The Senator says we would have to maintain the tariff forever. I do not believe so. I think we are passing through a chaotic condition of world affairs and world finance which will be adjusted. If I did not think so, then I should say there is only one thing to do, and that is for the United States to live within itself to a large extent and sell abroad only those things which we can sell even under circumstances of depreciated currencies.

If the Senator will examine the figures as to our exports he will find that we shipped many things to France, to Japan, and to other countries and sold them there, notwithstanding the fact that those countries had depreciated their currencies. When we come to analyze our exports we find that to a large extent they consist of materials useful in preparation for war. I refer to such metals as copper, scrap iron, and so forth, and chemical products, which we have shipped to Japan.

Mr. NORRIS. There was a very material increase in the exports of agricultural products.

Mr. WHEELER. That was true in the case of some products. There was some increase in the exportation of wool, but that increase to a large extent was caused by the war scares in Europe.

Mr. NORRIS. I have no doubt that the preparation for war accounted for a part of the increase. However, I understand that there were some very large increases in the cases of products which are not, strictly speaking, war materials.

Mr. WHEELER. The figures from the Department of Commerce show that the exports consisted largely of machinery, chemicals, and minerals. We all know that chemical concerns have shipped a tremendous amount of chemicals to Japan. We all know that great quantities of scrap iron have been shipped to Japan. Japan bought large quantities of tin cans for war purposes. We all know that machinery and other materials were shipped to other countries in their mad race for war materials.

Mr. NORRIS. Suppose we had arbitrarily stopped the shipment of such things. I would be glad to stop some of those shipments if it could be done legitimately. Let us assume that we could have stopped the shipment of such materials, and did stop it. Would that have relieved our depression?

Mr. WHEELER. No.

Mr. NORRIS. That would not have done us any good.

Mr. WHEELER. No. I am not one of those who say that if Japan wants to buy such materials we should not sell them to her, because if she cannot buy them from us, she will buy them from somebody else. I am simply stating, as a fact, that while our exports of minerals, mineral products, and machinery did go up, and helped to balance our exports against our imports, it was at the expense of agriculture, because we imported a great many more agricultural products. We made up for it in the shipment of machinery and other things. When we come to analyze our exports, we find that a large portion of them consist of war materials, such as copper, zinc, tin, chemicals, and commodities of that kind. In other words, importers of our products susceptible to use for war purposes paid for such articles largely with agricultural products.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. BORAH. I should like to ask the Senator from Montana a question. The Senator has stated that it should not have been our plan, with reference to the stabilization fund, to follow the downward course of the other countries in depreciating their currencies.

Mr. WHEELER. That is correct.

Mr. BORAH. In view of the condition which now exists in Europe, in Japan, and throughout the Orient, and the general conditions which prevail throughout the world, what will become of the United States if it undertakes to maintain all these currencies at any reasonable rate? In my opinion, whichever way we view the task, it may prove an impossible task.

Mr. WHEELER. Let me say to the Senator that I am in entire accord with the view that it is a bad thing to keep on depreciating our currency, because we do not know what the end will be. A stabilization fund of $2,000,000,000 was set up. How has it been used? Is there any Member of the Senate who can tell us? What has it been used for? Does anybody know? Who knows? The Federal Reserve bank in New York and its agents know. The experts in the Treasury Department know; but no explanation of any kind or character has been given to the Congress of the United States.

The PRESIDING OFFICER. The time of the Senator from Nebraska on the amendment has expired.

Mr. BORAH. Mr. President, I shall take the floor in my own right.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. BORAH. It is true, Mr. President, that we do not know very much about what has happened; but I have been disposed to think that under all the circumstances and the conditions which prevail, perhaps the same things would have happened had we been well informed. When we granted this power we parted with our authority.

Mr. WHEELER. I am not criticizing. I am not saying that the best use has not been made of it. I do not know. However, farm prices today are dropping. Our factories are closing, and men are being thrown out of work. We know that the effect of depreciated currencies has been recognized by practically everybody. At first they were not recognized, but the Senator well knows that finally Mr. Hoover came to recognize the fact that the depreciated currencies of other countries were having an adverse effect upon our trade. Finally the United States Chamber of Commerce reached that conclusion, and Mr. Roosevelt, when he came into office stated the reason for the action taken was to meet the situation with reference to depreciated currencies.

So long as conditions were picking up, perhaps there was no reason for apprehension; but now that there is a retrogression and we see prices going down and men being thrown out of work, and when we are being asked to appropriate and pass the greatest relief bill the Congress has ever passed, then, is it not time that those who have control of the stabilization fund take us into their confidence and, at least, tell us what they are doing with the money that has been set aside for that purpose?

Mr. BORAH. I confess I should like to know more about it.

PASSED CANCER BILL

Mr. BONE. Mr. President, before leaving for home at the end of this session, I wish to take a few minutes of the time of the Senate to tell all the Members of the body that I cherish a deep and sincere appreciation of the many generous and kindly things they have done for me during the years of my service here. I cannot review my own activities over these years without realizing how tolerant and generous my

colleagues have been. When I tried to do battle for the things that lie close to my heart, they have listened with patience and understanding.

I am made more deeply grateful to you, my brethren, for the clean and fine thing you did in permitting me to introduce, with your unanimous approval, the bill that created an institution we now know as the National Cancer Research Institute. When much that we have done shall have been undone, or forgotten, this thing we have created will stand like a great beacon light of hope in a wilderness of fear that now swallows up so many helpless human beings. This fact impels me to speak today, to bring you a message of thanks from the men and women of my State who, I am sure, merely express the thanks of your own friends at home for the part each of you played in creating the National Cancer Institute.

WOMEN ARE VICTIMS

Cancer has well been called the great darkness. Its toll is so terrible that it ranks with the worst scourges that ever descended upon mortal man. We think of war as the ultimate of all that is hideous—and it is indeed, man's supremest folly—but every 2 years the scourge of cancer destroys 70,000 more human beings in this country than were killed in all the wars of the Republic.

I have read with passionate interest the story of the fight which club women are making to arouse interest in the war on cancer. I think this effort is one of the finest things women's organizations of this country have ever undertaken. And well may woman be interested, for she is one of the most pitiful victims of cancer. One woman out of every seven is doomed to face the terrors of this awful disease. Its cruel ravages on woman distinguish cancer as a thing apart and entitled to special attention at the hands of civilized governments.

My feeble utterances here today cannot honor this body; it has done that by the uniting of its 96 Members in an imperishable record of loyalty to the cause of the most helpless group on this earth—the victims of cancer. When every Member of this body signed his name to the cancer bill last year, they made possible the first scientific mass attack on the problem.

In the other House my friend, Representative MAGNUSON, introduced the bill and helped to secure unanimous passage. Great credit is due him and all his colleagues.

MORE THAN 43,000 SIGNED MEMORIAL

Mr. President, I love my own State of Washington very deeply. It was kind to me and gave me a chance in life. I would be void of those wholesome impulses which stir in normal human beings if I were insensible to the opportunities that came to me at the hands of the people of my State. The kindly impulses of my own people have recently found expression in a new gesture toward me, their Senator, in a recent outpouring of their more than generous spirit. Within the past few weeks some 43,000 organized farmers, workers, and women of my State have signed a memorial saying to the world that they feel a deep sense of appreciation that their Congress has put the Federal Government behind the fight on cancer. They have been more than kind to me by mounting on a beautiful plaque and presenting to me the pen with which President Roosevelt signed the cancer bill, and placing with it a gold plate inscribed with this expression of their thanks. Gentlemen, this outpouring of the heartfelt thanks of these thousands of people is not for me alone; it is likewise for all of you who made the cancer bill possible.

It was one of the happiest moments of my life when the names of 96 Senators of the United States were quickly attached to the bill and its legislative objectives appeared on the horizon as a magnificent reality. I want all of you to feel that this outpouring of thanks from the people of my State, which is noted here today, surely finds its counterpart in the hearts of all the men and women of your own States. And I am sure also that the more than 43,000 people whose names are in bound volumes on my desk, each of whom contributed 1 penny for the creation of this memorial plaque, addressed themselves in the spirit of commendation to the whole Senate and Congress of the United States, and I am, therefore, going to take the liberty, with your permission, of thanking each of them not only on my own behalf but on behalf of the Senate and the Congress.

The letter of presentation accompanying this memorial plaque, I think, will be found interesting. Not only does this communication bear the signatures of representatives of farm and women's organizations but on the same sheet we find the signatures of the outstanding leaders of all the branches of the labor movement. The signature of the C. I. O. spokesman is side by side with those of the spokesmen of the railway brotherhoods and the president of the State Federation of Labor, which is the State unit of the A. F. of L.

PROGRESS BEING MADE

I think it would be fitting for me to conclude with the remarks of Dr. Thomas Parran, Surgeon General of the United States, uttered in my office when the memorial was presented. I think that these remarks will interest the Members of the Senate, because they include a report on the progress made in the very short time since the National Cancer Institute was created by Congress. I send to the desk a copy of the remarks made by Dr. Parran on that occasion and ask to have the clerk read them.

The PRESIDING OFFICER (Mr. CLARK in the chair). Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

SURGEON GENERAL SPEAKS

Senator BONE, my colleagues and I deeply appreciate this opportunity of participating in the very impressive ceremonies here this morning. I am delighted that the citizens of your State, and particularly the children, should have used this very appropriate method of expressing appreciation for what you have done for the cause of public health in this country by sponsoring the National Cancer Control Act.

This act was unique in the legislative history of the Congress. Never before have all Members of the Senate joined in sponsoring any piece of legislation. This action is indicative both of the importance of the cancer problem and the unanimous sentiment in Congress and throughout the country that the Government should assume a position of leadership in a concerted effort to solve this most baffling of all medical problems. I am sure that the precedent established by the enactment of your bill was a material factor in the recent passage, without a dissenting voice in either the Senate or the House, of an act authorizing appropriations for the prevention, treatment, and control of venereal diseases.

You will be gratified to know that important studies already are under way through the generous provisions of your act. Of more importance is the fact that we have had the fullest possible cooperation from all of the scientific institutions and agencies in the country who are concerned with cancer research and control. Representatives from many of these institutions are collaborating with our scientists in an effort to formulate the soundest possible program of study. Each is willing to participate and to make a contribution which will be a part of a comprehensive and concerted program of research.

URGES PATIENCE

Much of the research heretofore done in cancer has led to negative results. These results are not without value. The problem is difficult. Progress will necessarily be slow. I hope the Congress will not be impatient for immediate results. Painstakingly our structure of knowledge needs to be built stone on stone, but we are hoping that somewhere, some day, possibly through the work of this institute, a scientist will put the capstone on our knowledge of this disease and give us the means to control it.

This administration has been responsible for many far-reaching social laws. It is possible that future generations may look upon the National Cancer Institute Act which you sponsored as the most important contribution of this Congress to human welfare.

Mr. BONE. Mr. President, I thank the clerk for reading to the Senate Dr. Parran's letter.

I have seen those I loved deeply go down into the valley of the shadow, with the warm blood of youth still coursing through their veins and the love of life strong in them. I have witnessed their agony as they struggled against the thought of leaving loved ones. I have felt that terrifying sense of frustration and futility that comes to all who have seen the cruel manifestations of this dread disease. I have walked in the shadow with these friends who felt the touch of the destroyer; I have seen the futile efforts to check cancer's ravages. I know, as all other Senators know, that another great army of helpless victims will be claimed before the

Senate convenes again in 1939. But there is a message of hope in the words of Dr. Parran, a hope born of the work done here.

I know that the Members of this body will join with me in gratefully accepting the thanks and appreciation of the people of my State, and join with me as well in a grateful acknowledgment of their generous cooperation and helpfulness in this great humanitarian enterprise.

Mr. POPE. Mr. President, will the Senator from Washington yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. BONE. I yield.

Mr. POPE. May I ask the Senator what is the status of the Cancer Research Institute? Has work on construction been started?

Mr. BONE. Oh, yes.

Mr. POPE. What is the location?

Mr. BONE. The research institute and laboratory will be located at Bethesda, in Maryland, near the boundaries of the District of Columbia.

Mr. POPE. And will the amount appropriated be sufficient to complete the establishment of the Institute?

Mr. BONE. No. Appropriations will have to be provided next year in order to complete the building and give the institute some operating funds.

RELIEF AND WORK-RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee on page 2.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KING. Is the amendment now under consideration that found on line 4, page 2?

The PRESIDING OFFICER. It is the amendment in lines 3 and 4, page 2, to strike out "$1,250,000,000" and insert "$1,425,000,000."

Mr. KING. The parliamentary inquiry is this: Assuming that that amendment shall be adopted, will that preclude amendments to various provisions in the same title—for instance, amendments to eliminate or reduce given amounts?

The PRESIDING OFFICER. The Chair is of the opinion that amendments to the subsequent parts of the title, either increasing or decreasing appropriations, would not be precluded by the adoption of the committee amendment on page 2, lines 3 and 4.

Mr. KING. Another parliamentary inquiry: Then if a number of amendments should be adopted which would necessitate a reduction of the total amount of $1,425,000,000, we could recur to that total and make the necessary reduction corresponding to the diminution resulting from the amendments?

The PRESIDING OFFICER. It is the opinion of the Chair that after the adoption of this amendment the total amount appropriated by it could be changed only by a reconsideration of the vote by which the amendment had been adopted. In the opinion of the present occupant of the chair, the adoption of this amendment would not preclude amendments or changes in totals in various other parts of the title; but in the opinion of the Chair the total amount of the appropriation under this part of the title could be changed only by a reconsideration of the vote on this amendment.

Mr. KING. In good faith, though, it would seem to me—and this is a parliamentary inquiry—that if, for instance, two or three hundred thousand dollars should be stricken from this title, the $1,425,000,000 should have subtracted from it the amount eliminated from the subsequent items.

The PRESIDING OFFICER. The Chair is not free to express an opinion on that point in response to a parliamentary inquiry. As an individual Senator, the present occupant of the chair would agree with the Senator from Utah.

Mr. McNARY. Mr. President, I concur in the general expression of the rule by the present occupant of the chair. I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. If a Senator desired to offer an amendment, to be inserted between lines 2 and 3 on page 2, containing language administrative in character but still affecting the totals, would that amendment be in order if at this time we should agree to the pending committee amendment?

The PRESIDING OFFICER. The Chair is informed that there has been a unanimous-consent agreement by the Senate giving precedence to committee amendments. Inasmuch as the pending amendment is a committee amendment and the amendment suggested by the Senator from Oregon is an individual amendment, it would seem to the present occupant of the chair that under the unanimous-consent agreement the individual amendment would not be in order until the committee amendments had been disposed of.

Mr. McNARY. I concur in that view; but I wanted a ruling before we proceed to act finally upon this amendment.

Mr. BAILEY. Mr. President, I wish to make an inquiry of the chairman of the subcommittee in charge of the bill, the Senator from Colorado [Mr. ADAMS].

I should like to know, if the chairman of the subcommittee can inform me, how the committee arrived at the figure of $1,425,000,000. What was the basis for the calculation?

Mr. ADAMS. Mr. President, I will say to the Senator from North Carolina that the basis of the calculation was an addition of $175,000,000 to cover the estimated cost of extending the period of relief from 7 months to 8 months.

Mr. BAILEY. I understand that. That is just a matter of change in time.

Mr. ADAMS. I cannot verify my figures offhand; but my understanding is that the amount was computed roughly upon provision for 2,800,000 individuals at a cost of $63.50 per individual case or head of a family. I do not know how that will work out mathematically, but that was the general plan of the appropriation.

Mr. BAILEY. That is at the rate of approximately $750 a year. Then, as I understand, the record shows that the contributions of the localities, the States and other sponsors, amount to about 25 percent.

Mr. ADAMS. The contributions of the sponsors amount to 22½ percent, or, roughly, $18.50 per individual case, in addition to the $63.50. The total would be, roughly, $83.

Mr. BAILEY. So we are predicating our relief system on the basis of $1,000 per person per year on the rolls. Eighty-three dollars per month is $1,000 per year.

Mr. ADAMS. Approximately; I should say a little less than that.

Mr. BAILEY. In view of the fact that our relief program threatens to enlarge, and evidently is enlarging, I should like to have the Senator tell me if he thinks we can hope to predicate an increase in a relief system which was of an emergency character to begin with, on a basis of $1,000 per year per person on the rolls.

Mr. ADAMS. My impression is that it could be done only if there were to be a substantial decrease in the number of names on the relief rolls.

Mr. BAILEY. But we are dealing with a substantial increase, and with a situation which predicates a further increase. What would the Senator say, by way of a test, to predicating the Federal contribution on a basis of $50 per month instead of $63.50?

Mr. ADAMS. The Senator will recall that at the time the large relief measure was under consideration, the $4,800,000,000 joint resolution, the testimony before the committee was upon a basis of $50 per month. That was the basis of computation at that time; and apparently it has increased $13.50 above that, on an average.

Mr. BAILEY. Did the committee compare the program of $1,000 per person on the relief roll with the national income of persons who are not on the relief roll?

Mr. ADAMS. I think some members of the committee did, and I think some did not. As to the committee as a whole, therefore, I cannot answer the question.

Mr. BAILEY. Is it not a fact that about 25 percent of the persons in this country who are now at work have incomes of not exceeding $1,000 per year?

Mr. ADAMS. That is true.

Mr. BAILEY. So we are putting the persons who do not work on a level with one-fourth of those who are at work. We can figure that very quickly—one-fourth of 38,000,000, which is about the number at work. We are putting the 3,000,000 persons on relief on the same basis of income with about 9,000,000 persons who are not on relief, who are working. Is not that a fact?

Mr. ADAMS. The basis of the computation is the provision of the law of Congress, heretofore enacted, that those on relief shall be paid the prevailing wage. The Administrator of the Works Progress Administration has made a computation as to the amount necessary to care for the needs of individual cases. The individual case represents a family, or the head of a family, and he reaches that as the average. If we may use the term, the relief authorities work out the relief allowance in work at the prevailing wage in the community where the relief is granted, which varies throughout the country, and throughout sections within the same State.

Mr. BAILEY. But the burden of taxes to support the relief program, falling, as such burdens always do fall, upon the great masses of men, would fall by way of burden upon the 9,000,000 persons who are working, who are not on relief, who are earning their $1,000 a year, and it would not fall on the persons who may be on relief. They get a gift from the Government which is derived from taxes or from borrowed money, and therefore is free of the tax burden. The taxes themselves and the borrowed money come from the great body of the people, and these 9,000,000 persons pay taxes to support 3,000,000 who are receiving equal income. What does the Senator say to that for a little problem in equality as well as economics?

Mr. ADAMS. I should say to the Senator that several years ago, when the $4,800,000,000 measure was before us, I presented to the Senate my individual views upon the problem. It was my theory that relief should be administered upon the basis of need, not upon a wage basis. I felt that the individual cases should be treated in accordance with their individual needs; that they should be given the amount necessary to meet their needs and should then be permitted to work out or return in work the amount of their needs.

I disagree with the security wage theory. In my own mind I thought in terms of one man, a common laborer, who, perhaps, had 10 children and who was utterly dependent, and another man, a bricklayer or a skilled mechanic of some other kind, who was also dependent. These two men were put upon a security wage basis and allowed in the same community perhaps the same amount. The common laborer worked it out on the common-labor basis; the bricklayer, in less need, upon the other.

I thought that was wrong. I thought that the old F. E. R. A. theory was correct. The Senate and the other House of Congress differed with me. The amendment I submitted was voted down. Congress and the President have established this theory, and I have accepted the verdict of the Congress, and, as chairman of the subcommittee which presented the relief bills, I have presented them, as I felt it my duty, in accordance with the policy which the Congress has established, not in accordance with my individual theory.

Mr. BAILEY. I understand. The Senator, as Senator, does not approve of the principle upon which this sum of $1,425,000,000 is predicated, but the Senator as chairman of the subcommittee feels impelled to follow the system of the Government.

Mr. ADAMS. I should qualify that somewhat. I have been a pretty good Democrat. I have been inclined to accept the judgment of the majority. I have been disposed to accede. When the majority said that my views were wrong I have tried my best to adjust my own thinking to the majority views. As a Member of the Congress, I have not felt that it was my part continually to present a view which had been overruled by the Congress. So I am trying to acclimate my view to the temperature of the body.

Mr. BAILEY. I was not disposed to criticize, or even suggest a criticism. I wish to bear witness that the Senator from Colorado has been a most excellent Democrat, is now a most excellent Senator; has been a most admirable Democrat, is now, according to the testimony of those who have heretofore been recognized as Democrats, a Democrat of Democrats, a very perfect Democrat, and I hope he can maintain that standard notwithstanding the elevation here in Washington of a new committee called "The Committee of Elimination," composed of gentlemen who never were Democrats, but who are assuming now to divide the sheep from the goats, and not permitting any Senator to wear wool, but who are placing upon the heads of all Sentors horns if it happened that in the great controversy last year they took the view that the independence of the judiciary should be preserved in our country.

I give the Senator a clean bill. I know he is a Democrat. I know a great many men who are Democrats. I think I know a Democrat when I see one, and I am perfectly willing to say that those gentlemen who are trying to say who is a Democrat and who is not, and who ought to be Senator and who ought not to be, are not fit to pass either upon the democracy of anyone or upon his qualifications for Senator. But I did not mean to get into that discussion.

Mr. ADAMS. Let me say to the Senator that, so far as I know, the committee on elimination has not gotten as far west as Colorado.

Mr. BAILEY. When they get as far west as Colorado and as far south as North Carolina I hope they will learn the lesson of their radical lives. But that is on the wing. I want to get back to the situation we have been discussing.

The figure here, $1,425,000,000, is based upon a standard set by a prior Congress, and we are merely carrying it over. Let me suggest to the Senator that that standard was set under the sense of emergency, and in view, as we thought, of the temporary character of relief. We are going now into the permanent business of relief. We are recognizing it as permanent. The pending measure recognizes it as permanent. Many things could have been done under the terms and suggestions of emergency that would not be tolerable and ought not to be tolerated under the realization of permanency.

We know that the number of unemployed is increasing and not decreasing. We are lifting the relief load ourselves from less than 2,000,000 to the neighborhood of 3,000,000. Nevertheless, we predicate the scheme of things on a thousand dollars a year for each person on relief.

The PRESIDING OFFICER (Mr. POPE in the chair). The time of the Senator on the amendment has expired.

Mr. BAILEY. I am unwilling to take my time on the bill at this moment, so I will take my seat.

Mr. HOLT. Mr. President, I should like to ask the Senator from North Carolina as to the amount really spent per capita on those on the W. P. A. rolls.

Mr. BAILEY. I doubt if I have the time to answer that question.

The PRESIDING OFFICER. Does the Senator from West Virginia ask for recognition?

Mr. HOLT. I ask for recognition.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. Does he yield to the Senator from North Carolina?

Mr. HOLT. I yield.

Mr. BAILEY. What is the question?

Mr. HOLT. I want the Senator to proceed with his statement relative to the cost per capita of men on W. P. A.

Mr. BAILEY. I can explain to the Senator what I had in mind. On the prevailing rate-of-wage basis we predicate

a thousand dollars a year, and we predicate permanent employment.

I will ask the Senator from West Virginia how, under that system, we could ever hope to get away from the permanent character of the relief program? It would pay a man to stay on relief. He gets the prevailing wage as long as he stays on relief. That is the effect of the prevailing-wage system. He gets an assurance of permanent employment at the prevailing wage from his Government, and every man would prefer that to the precarious employment by private industry at prevailing wages under the present circumstances. On the one hand, he knows he is employed as long as the Government lasts. On the other, he does not know when he is going to lose his job, if he is in private employment, because of the collapse of business. The consequence is that by this very system we make the whole unemployment scheme of things, our entire relief system, a permanent feature of the Government and of our life, and of course it competes with private industry, and has a great advantage, because it does have the taxing power and the borrowing power of the Federal Government.

Mr. HOLT. In other words, the Senator feels that there is more security in W. P. A. than in private jobs?

Mr. BAILEY. Of course there is.

Mr. HATCH. Mr. President, will the Senator from West Virginia yield to me?

Mr. HOLT. I am glad to yield.

Mr. HATCH. I am quite sure the Senator from North Carolina does not desire to create any misapprehension as to the rules and rates of pay adopted.

Mr. BAILEY. I never desire to create misapprehension, but very often I am helpless in creating misunderstanding. But I will undertake to help the Senator.

Mr. HATCH. The point I had in mind was that from the Senator's statement it could be readily inferred that under the prevailing rate of pay system a worker on relief would have permanent employment, without any restrictions or limitations regarding time, hours, or days per week. That is not correct.

Mr. BAILEY. No; it is not correct; but this is the point, and I should like to have the Senator see it: Here I am out of work, we will say; I know that if I get on relief I can get a thousand dollars each year. That is the prevailing wage where I live; therefore, I am on a fair level with my fellow men. There is nothing that puts me below the average in my neighborhood. I know that comes from my Government. I know that it is permanent. Someone comes along and offers me a thousand dollars a year in private employment. I say, "I cannot take that because I do not know how long your business will last. You have to pay all the taxes, you have to meet your bonds, and I do not know when I may be turned out. If I get sick, I will lose my job. If I become crippled, I will lose my job. If my employer should go broke, I would lose my job. But on relief I have a thousand dollars a year as long as I live." My point is that such a system necessarily makes permanent the appropriation of two to three billion dollars a year out of a Treasury which has no money to furnish. It would be better if we were collecting the money, but we are not; we are borrowing it, and, of course, we know that a government that is borrowing at the rate of one and a half to three billion dollars a year, and which has already borrowed at the rate of $4,000,000,000 a year, and has not balanced its Budget since 1930, is going to reach the time when it cannot do that; its credit is going to become rapidly exhausted. Meanwhile we are encouraging 3,000,000 people to look to us for a thousand dollars a year each. When the time comes when we cannot meet that burden, what is going to happen?

Mr. ADAMS. Mr. President, will the Senator from West Virginia allow me to make a suggestion?

Mr. HOLT. I yield.

Mr. ADAMS. What I wish to say does not affect the Senator's argument. I think there is a slight inaccuracy in the Senator's figures. That is, there is a figure representing the amount that the man on relief receives and there is another figure as to what it costs the State and another figure as to what it costs the Federal Government. As I have the figures, the total cost is $83 a month to the Federal and to the local governments. That makes a total of $996 a year. The total cost to the Federal Government is $65.50. Contributions by sponsors, $18.50. That would bring the amount to, roughly, $83. Deduct $7, the amount contributed by the Federal Government which goes to material, and the portion which would go to relief would be $58.50.

Mr. BAILEY. If $84 is deducted there is still $912 a year. Of course, as much money can be deducted for overhead as may be needed to carry an election now and then, and I will make a fair deduction for that also.

I wish to make another suggestion. We predicate this appropriation of $1,425,000,000 on prevailing wages. Responding to the inquiry made of me a moment ago, I wish to say that the prevailing wage in North Carolina is computed now to be $26 a month. The prevailing wage in New York is $60 a month. I am not discussing the wage and hour bill. That will come another time. Look at that distribution of Federal public money. If we continue to appropriate from two billion to three billion dollars a year, and on the theory of wages distribute nearly $3 to workers in New York to every dollar distributed in North Carolina, and if we tax the man in North Carolina equally with the man in New York, it is a mathematical proposition, it is an inevitable consequence that we will impoverish and destroy the people of North Carolina.

Mr. BONE. Mr. President, will the Senator yield?

Mr. HOLT. I yield.

Mr. BONE. I wonder if I heard the Senator from North Carolina aright, that the prevailing wage in North Carolina is $26 a month?

Mr. BAILEY. That is what the W. P. A. workers are paid. It is from $26 to $29. It varies. But I am adapting my argument and my statement of the facts to the statement of the Senator in charge of the bill, the chairman of the subcommittee. He says that the basis of the appropriation is the prevailing wage. By the act of Congress, the basis of the operation of the W. P. A. is the prevailing wage, and the W. P. A. finds that a man is entitled to $60, as the prevailing wage in New York, and the man in North Carolina is entitled to $26. The Senator knows that that is contained in the report of the hearings. I read those figures in the Senate last February, when a bill was under consideration, and I read them the previous February.

Let me reiterate that point, and I shall take my seat. The public funds of this country come almost equally, in the last analysis, from the great masses of our people. Practically all taxes filter down to the masses of men. That is one reason why they are poor. All the taxes fall on them. With respect to collection of taxes, the burden falls equally on all. The man in North Carolina pays just as much tax as the man in New York, and the man in West Virginia pays as much tax as the man in New York, when the taxes have filtered through until they rest upon the production of the commodities from which all taxes are drawn—in the mining industry, the fishing industry, and in agriculture.

But when we come to distribute the taxes and pay $27 per man on relief in North Carolina and $60 per man on relief in New York, even assuming that there were the same number of men on relief in North Carolina in proportion to population as there were in New York, by that disparity we will inevitably impoverish and destroy the workers and farmers and the masses of the men and women in my State. We make it impossible for people to live there. That is the situation. That is what is being done. I am bound to protest against it. I realize that we are perfectly helpless about it. Look and see what has happened. I will take my seat with one more remark.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BAILEY. I am making my remarks exclusively to him, and I know he will be interested in what I am going to say about Pennsylvania by way of answering his inquiries. I will take my seat with the remark that in the State of Pennsylvania, which is supposed to be a rich State and to have a high wage scale, the Federal Government, under the present administration, has given out more money in loans and grants than it has in the entire 11 States of the whole solid South.

I am not raising any sectional question. I am raising a question of population. There are 28,000,000 people in the South, and their per capita income is only half that of the per capita income of the people in Pennsylvania. Yet Pennsylvania received $214,000,000, whereas all 11 States in the solid South combined received only $212,000,000. The population of Pennsylvania is 9,000,000. The population of the old South is 28,000,000. Senators can very readily make their own calculations. Three dollars were spent for relief purposes in Pennsylvania to every dollar spent in the 11 States of the South put together. I am saying that that sort of policy will destroy the people who receive the bad end of it. I protest against it as essentially a matter of political and national inequity, and I protest against it as something which ought not to be tolerated. Mr. President, I will say to the Senator from West Virginia that there exists sufficient justification for resistance against this sort of policy until it is corrected.

Mr. HOLT. It might interest the Senator from North Carolina to know that the W. P. A. allotments in the 2 months just preceding the primary election in Pennsylvania were increased over $4,000,000.

Mr. BAILEY. The Senator understands why that was done, or will he let me explain it to him?

The PRESIDING OFFICER. Does the Senator from West Virginia yield further?

Mr. HOLT. I shall be glad to have the Senator explain it.

Mr. BAILEY. There was very great poverty in Pennsylvania just before the primary. It swept over Pennsylvania like a plague. It was both moral, political, and economic. The W. P. A. had to come to the rescue of the poverty-stricken people of that State.

The PRESIDING OFFICER. The question is on the committee amendment on page 2.

Mr. BONE. Mr. President——

Mr. KING. I suggest the absence of a quorum.

Mr. BONE. I should like to call the Senate's attention to the fact that the Senator from Minnesota [Mr. LUNDEEN] has pending an amendment calling for a very greatly increased appropriation, and as a matter of courtesy to him I ask that the committee amendment go over until the Senator can be present, which he will be in a few minutes.

Mr. KING. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Johnson, Colo.	Pepper
Andrews	Davis	King	Pittman
Austin	Dieterich	La Follette	Pope
Bailey	Donahey	Lee	Radcliffe
Bankhead	Duffy	Lodge	Russell
Barkley	Ellender	Logan	Schwartz
Berry	Frazier	Lonergan	Schwellenbach
Bilbo	George	Lundeen	Sheppard
Bone	Gerry	McAdoo	Shipstead
Borah	Gibson	McCarran	Smathers
Brown, Mich.	Green	McGill	Smith
Brown, N. H.	Guffey	McKellar	Thomas, Okla.
Bulkley	Hale	McNary	Thomas, Utah
Bulow	Harrison	Maloney	Townsend
Burke	Hatch	Miller	Truman
Byrd	Hayden	Milton	Tydings
Byrnes	Herring	Minton	Vandenberg
Capper	Hill	Murray	Van Nuys
Caraway	Hitchcock	Neely	Wagner
Chavez	Holt	Norris	Walsh
Clark	Hughes	O'Mahoney	Wheeler
Connally	Johnson, Calif.	Overton	White

The PRESIDING OFFICER. Eighty-eight Senators have answered to their names. A quorum is present.

The question is on the committee amendment on page 2, lines 3 and 4.

Mr. BONE. Mr. President, as a matter of courtesy to the Senator from Minnesota, who is detained from the Chamber at the moment, I ask that the amendment which is now pending go over until the Senator can be present and present his amendment. I understand that he will return to the Chamber in a short time. We can easily recur to the amendment. The amendment of the Senator from Minnesota is to strike out, in lines 3 and 4, on page 2, the figures "$1,425,000,000" and to substitute the figures "$4,425,000,000."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. BYRNES. What is the request?

The PRESIDING OFFICER. The Senator from Washington has requested unanimous consent to have the committee amendment appearing on page 2, lines 3 and 4, go over until the Senator from Minnesota [Mr. LUNDEEN] can be present to offer his amendment.

Mr. LUNDEEN entered the Chamber.

Mr. BYRNES. The Senator from Minnesota is now in the Chamber.

The PRESIDING OFFICER. Does the Senator from Minnesota desire the floor?

Mr. LUNDEEN. Mr. President, I tender an amendment to section 1, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The Senator from Minnesota offers an amendment to the committee amendment, which will be stated.

The CHIEF CLERK. On page 2, lines 3 and 4, it is proposed to strike out "$1,425,000,000" and to insert in lieu thereof "$4,425,000,000."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Minnesota [Mr. LUNDEEN] to the committee amendment.

Mr. BONE. Mr. President, I do not know whether or not the Senator from Minnesota desires to speak on the amendment which he has offered. I should like to say a few words respecting the amendment.

I recall the controversies in this body in 1937 and 1938, when assurances were given that ample sums were to be provided for W. P. A. In neither of those instances were the sums made available sufficient.

Mr. JOHNSON of California. Mr. President, what is the amount involved?

Mr. BONE. The Senator from Minnesota has offered an amendment to the committee amendment, increasing the amount provided in the joint resolution for relief from $1,425,000,000 to $4,425,000,000.

Mr. BYRNES. Mr. President, it is merely an increase of $3,000,000,000 for W. P. A.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. WHEELER. If conditions continue to grow worse, the extra $3,000,000,000 will be needed.

Mr. BONE. I thank the Senator from Montana for his contribution.

I rise to point out a situation which is now obvious to everyone. In 1937 I made an effort in this body to obtain more money for W. P. A., and I stood in the place where I now stand and pointed out that we were facing a recession, and unless more money were made available, we would have serious trouble.

That trouble came, Mr. President. I have before me some material constituting a record of the fight made in 1937, and again in the spring of 1938, wherein I attempted to point out, in the face of statements by Mr. Hopkins that he would have ample funds, that we were going to face the very trouble which ensued. That is the only reason I am tempted to say something briefly about the amendment tendered by the Senator from Minnesota.

I think it is rather valuable to refresh our memories occasionally. In February 1937 the Senator from Colorado

[Mr. ADAMS] presented the relief bill on the floor of the Senate. At that time he inserted in the RECORD some of the colloquy which took place in the committee. One of the statements was in the form of a question by the Senator from Tennessee [Mr. MCKELLAR] to Mr. Hopkins, wherein the Senator from Tennessee said:

But you have no need for any additional funds now?

Mr. Hopkins said:

No; not at the moment. We have adequate power to act.

The Senator from Maine [Mr. HALE] then asked:

And with the money you get in this bill, there is no question of your having any shortage for taking care of floods?

Mr. Hopkins answered:

None whatever.

Questions of that kind and answers of that character run like a red thread through the very warp and woof of all the argument and discussion about the relief bill in 1937 and 1938. We are now confronted with the necessity of appropriating more money, because we spurned the opportunity to appropriate more at a time when we might have kept the situation from sliding dangerously toward the edge of the abyss.

I shall not take the time of the Senate to go into the question which now lies before us, because we have been all over it before. I must have almost exhausted the patience of the Senate in my effort to obtain more money in 1937 and 1938. However, every assertion I made on the floor, to the effect that we were going to need more money, came true. We are now doing precisely what I urged the Senate to do in 1937 and 1938.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. BORAH. Am I to understand that the Senator is now prophesying that we shall need $4,000,000,000?

Mr. BONE. I am not prophesying that we shall need any amount. I tried to increase the amount in 1937 and 1938. It must be obvious to all Senators that the amount of money provided in the joint resolution will not be adequate to meet the needs of the people of this country, as those needs have been portrayed on the floor of the Senate within the past few days. The amendment before us is not my amendment, but I rise to point out that the amount of money now provided by the joint resolution will not be sufficient; and we shall find that out. We may face the necessity of a special session this fall if the amount of money now in the bill is inadequate. The astounding thing about this record was that the officials of the W. P. A. told the Senate committee having charge of the bill that they were going to have ample funds. They had their fingers on all the strings; they had access to every source of information; they knew that the conditions were not in a happy state and that we probably would need a greatly augmented sum of money to meet the pressing needs of the people. I do not presume to say how much will be needed, although in my heart is a great fear that we may need as much as the Senator from Idaho suggested. We may need more than the sums which have been suggested here and which have brought smiles to the faces of Members of this body.

I wish to say that we are dealing with a very dangerous and very explosive thing when it comes to human hunger. I am not going to say any more about it. The Senator from Minnesota is quite capable of presenting his own amendment.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. BONE. I yield.

Mr. KING. I am interested in the observations made by the Senator, and I admit that there is a great deal of want in the United States as the result of the depression. But I am wondering where we are to get the money. We will have a deficit of probably $3,000,000,000. If we increase the appropriation as proposed by the amendment offered by the Senator from Minnesota, we will have a deficit of $6,000,000,000. I should like somebody to indicate where we are to get the money. We can issue I O U's, as we are doing now, and we can have inflation, as Germany and Russia had, and destroy the whole fabric of our industrial and economic life.

Mr. BONE. I wish to make very brief reply to the observations of the Senator from Utah. I suspect that one may con the pages of parliamentary history in this country and he will not find one-twentieth of the protests against the expenditure of $25,000,000,000 to fight a war 3,000 miles away that have been uttered on this floor in the fight against poverty in this country. I wish to tell the Senate that that is a challenge. I think I am right. There are Senators in this body who were here during the war when billions upon billions of dollars were appropriated to destroy human life, but there was no talk then about unbalancing the Budget or about inflation. We are now fighting, Mr. President, an enemy much worse than any enemy which was fought in 1917, for then the enemy was 3,000 miles away who in nowise could have imperiled the life of our Republic but this gargantuan thing that raises its grizzly head in our midst now is a menace to the Republic. It is not of any moment whether or not Senators agree with me; I am not at all concerned whether they agree, because we are dealing with facts and not with fancies or with any man's views, and I say the thing that faces us is quite as dangerous as is the menace of inflation. It is as dangerous as an unbalanced Budget; in fact, it is infinitely more dangerous than the things the Senator from Utah has talked about. Although I am disposed to agree with the Senator from Utah that those things in themselves are menacing and challenging, and I have no quarrel with his desires not to create any more debt, yet I fear this thing that confronts us, and which, it seems to me, is very plain.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. BONE. I yield the floor.

Mr. WHEELER. I should like to ask the Senator a question.

Mr. BONE. Very well.

Mr. WHEELER. I agree with what the Senator said with reference to the menace; I think we are facing a very dangerous situation with reference to the depression, that is getting deeper and deeper; but the difficulty is that Members of the Senate are confronted with the fact that those who are in charge of relief have presented figures here and said they only need so much money. It is an impossibility for Members of the Senate themselves to go out and make a survey, and say to the relief administrators, "We are going to give you $3,000,000,000 more than you really need." I have voted for every relief measure which has been brought before the Senate and for the amounts proposed and sometimes have voted to increase them, but it seems to me to be a departure for us to say to the relief agency, "We are going to give you $3,000,000,000 when you say that the need can be met with $1,250,000,000 or $2,000,000,000 or whatever the amount may be."

Mr. BONE. Mr. President, the point the Senator raises is precisely the point he emphasized in his argument this morning, and I think also on Saturday, that the statements that come to us, the assurances that come to us sometimes are not wholly dependable. We had assurance brought to this floor by the able Senator from Colorado [Mr. ADAMS], chairman of the subcommittee, that the W. P. A. officials had said that they had ample funds to meet present necessities. Mr. President, they were not able to meet them; they did not meet them in 1937, although I rose on this floor and offered an amendment and made a fight for more money, and I did the same thing in 1938. I predicated my remarks upon the same assumption that I am predicating my present statements upon, that the necessities of the people are so great that it makes no difference whether Mr. Hopkins or any other official says money will not be

needed, I am very certain, in my mind, that it will be needed. We had to have a deficiency appropriation, as will be recalled, last year. We can suit ourselves; we can either pass this measure with the amount of money in it or we can make more money available.

I should like to ask a question of the Senator from Colorado before I sit down. Was it made plain to the members of the committee by the officials of the W. P. A. that the amount of money now suggested in the joint resolution will be sufficient to meet the needs of unemployment that we are attempting to meet through W. P. A.? Let us have some assurance now in the RECORD. Twice we have had it, and we might as well have it the third time, and see where we are going.

Mr. CLARK. Mr. President, if the Senator will yield, and with the permission of the Senator from Colorado, I wish to say that the statement was made by the deputy W. P. A. administrator in the hearings that every man who was employable under a W. P. A. job had a job.

Mr. BONE. That still leaves it vague, because the mail I am receiving, and also the mail most of the other Senators are receiving, indicates that men are seeking employment who cannot get it.

Mr. CLARK. I will state further to the Senator from Washington that I did not believe the statement when it was made. I was merely endeavoring to answer his question.

Mr. BONE. Can the Senator from Colorado indicate to us—if I am not imposing on his good nature—whether the W. P. A. officials have assured the committee that $1,425,000,000 would be sufficient and adequate?

Mr. ADAMS. I will say to the Senator from Washington that the committee relied, necessarily, upon the information which came to it from Mr. Hopkins, the Administrator of the Works Progress Administration. The amount of the appropriation was recommended by the President and was recommended by Mr. Hopkins as being adequate to meet the problem, so far as they could see it. They added, however—I think out of abundance both of caution and experience—that no one could foretell the relief needs of the future. That was the prime reason why the appropriation was only made for a period of 7 months originally rather than for a full year, in order that when the Congress should reconvene it might meet the problem as it then existed. It was our information, however, that the amount appropriated would meet the situation for the coming 7 months.

As the Senator knows, the members of the committee have no machinery of their own by which to make investigation. They do not know, and no one else can know, what may be the relief needs in a month or 2 months. We have had in the past the experience that at times unemployment and relief demands have dropped unexpectedly and they have also increased unexpectedly. The relief measure passed at the last session contemplated a decided decrease in the need for relief. That expectation was realized; the number on the relief rolls dropped from the high point down to 1,400,000.

Mr. BONE. Yes; but were not those arbitrary severances from the pay roll?

Mr. ADAMS. I cannot answer that question. All I know is the figures we got as to those on the rolls, and there was adequate money to care for a larger number.

Mr. BONE. Thousands of men were arbitrarily dropped from the rolls who could not possibly find employment under private-business auspices.

Mr. ADAMS. I know nothing as to administration. The information which the Appropriations Committee have is from the mouth of Mr. Hopkins and his assistant. But, frankly, I have not found any disposition on their part deliberately to underestimate. As a matter of fact, I think they have been disposed to be liberal in their estimates. They may have been wrong, but they have not attempted to underestimate.

The PRESIDING OFFICER. The time of the Senator from Washington on the amendment has expired.

Mr. BONE. May I say just a word then on the joint resolution?

Mr. CLARK. I remind the Senator that he can speak only once on the joint resolution.

Mr. BONE. Then I will surrender the floor, as I do not want to use all my time.

Mr. CLARK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK. Would a motion to postpone the consideration of the committee amendment on page 2, lines 3 and 4, if adopted by the Senate, carry with it a postponement of the joint resolution itself, or would it apply only to the amendment?

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that such a motion would apply only to the amendment.

Mr. CLARK. Then I move that the committee amendments on lines 3 and 4, page 2, be postponed until after the consideration of the other committee amendments to be proposed in paragraph 1 of title I.

Mr. President, this is the first measure in my parliamentary experience, so far as I can remember, in which the total is put first and then the break-downs follow after it. It reminds me of the charge which was made by Gen. Dick Taylor, son of President Zachary Taylor, that the Red River expedition of General Banks during the Civil War, which he claimed was merely a cotton-stealing expedition, was the first military expedition in the history of the world to advance in the enemy's country with its wagon trains first.

So far as my observation goes, this is the first measure that has ever been introduced—certainly the first that has been seriously considered—in either the House or the Senate in which the totals were put first, and then a break-down followed later, with the result, as the Senator from Oregon [Mr. MCNARY] suggested a few moments ago, that if the first committee amendment now under consideration should be adopted, and the subsequent itemization should be changed, it would then be too late to amend the committee amendment on lines 3 and 4 except by reconsideration of the committee amendment.

Therefore, Mr. President, without any feeling in regard to the various items contained in paragraph (1) of title I, as a matter of decent parliamentary procedure I suggest that the totalization be dropped down to the end of the paragraph; and I shall make the same suggestion as to subsequent paragraphs.

Mr. LODGE. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Massachusetts.

Mr. LODGE. Should not the Senator's motion be modified so as to include the total on page 6, line 10?

Mr. CLARK. That committee amendment has not as yet been reached. If the various paragraphs are totaled as we go down, then a motion would be in order in regard to the total of the whole title on page 6, line 10. The suggestion I am making is that as to each item of the paragraph on pages 2 and 3, the total of the paragraph is carried in the first committee amendment, which, when acted on by the Senate, can be corrected only by a reconsideration of the vote on it.

Mr. LODGE. I appreciate that situation. I simply wanted to call the Senator's attention to the total on page 6, line 10.

The PRESIDING OFFICER. The Senator from Missouri moves that action on the committee amendment, on page 2, lines 3 and 4, be postponed until the other amendments are acted upon.

Mr. CLARK. The other amendments to paragraph (1) of title I, so that the total will appear at the proper place in the paragraph.

The PRESIDING OFFICER. Yes.

Mr. NORRIS. Mr. President, the motion of the Senator from Missouri includes two amendments, does it not? I take it that the word "drainage", in line 3, page 3, is included as well.

Mr. CLARK. No; I refer only to the first committee amendment, on page 2, the total, which is to strike out the

numerals "$1,250,000,000" and insert the numerals "$1,425,000,000." It may well be that in the consideration of the remaining items in the paragraph the Senate may wish to increase or decrease some of the items, and it seems to me the total should be at the end of the paragraph instead of at the beginning.

Mr. NORRIS. The Senator would postpone action on all the committee amendments, then, as I understand.

Mr. CLARK. Oh, no. Let me say to the Senator from Nebraska that my motion is to postpone action on the first committee amendment in paragraph (1), which is the total appearing on lines 3 and 4 of page 2, only until after the consideration of the other committee amendments in that paragraph, which extends down nearly to the bottom of page 3. In other words, simply to put the total at the proper place in the paragraph, so that if the Senate should increase or decrease some of the items in paragraph (1) it would not be necessary to move to reconsider the adoption of the committee amendment in order to change the total.

Mr. NORRIS. The motion is to postpone action on the first committee amendment in paragraph (1) until we consider all the amendments that go to constitute the $1,425,000,000?

Mr. CLARK. Yes; to drop it down to the end of the paragraph. That is entirely correct.

Mr. McKELLAR. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. McKELLAR. There is an amendment to the text, to insert $1,425,000,000 in lieu of $1,250,000,000.

Mr. CLARK. Let that be considered as part of the paragraph.

Mr. McKELLAR. Then there is an amendment to that amendment, offered by the Senator from Minnesota [Mr. LUNDEEN], to increase the amount to $4,250,000,000. Is it in order to add another amendment to it, to postpone or to change what is proposed by the committee amendment and the amendment to it?

The PRESIDING OFFICER. This is not an amendment. This is a motion to postpone, which is not an amendment to an amendment.

Mr. NORRIS. Mr. President, I desire to submit a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Under the unanimous-consent agreement, we may not offer individual amendments until the committee amendments have been passed on. If the motion of the Senator from Missouri should prevail, and if an individual amendment should be offered that increased the total, would not that make it necessary to reconsider the committee amendment?

Mr. CLARK. If the Senator will permit me, my motion to postpone will not change the parliamentary status of the committee amendment, or any amendment to the committee amendment, or any other parliamentary recourse that any Senator may have, except to change it from the status of having the Senate adopt the total before it adopts the items to having the Senate pass on the items before it adopts the total. It will not change the parliamentary status.

Mr. NORRIS. However, we would still have an inconsistency. Suppose we postpone acting on the total until we have considered all the items, and then we agree to the total or modify it according to what we have done with the items composing the total. Then we go through the joint resolution. Afterward, some Senator offers an amendment somewhere between the committee amendment on lines 3 and 4 of page 2, and line 20 on page 3. Some individual amendment is offered. Then we would still have the same difficulty, because that amendment would change the total. It might increase or reduce it.

Mr. CLARK. Not the total of this paragraph.

Mr. NORRIS. Oh, yes.

Mr. CLARK. The total upon which I have suggested postponing action applies only to this paragraph.

Mr. NORRIS. Yes; but the total upon which the Senator has suggested postponing action is composed of the aggregate of the committee amendments which follow it in the paragraph. Suppose some individual amendment is offered, after we get through with all the committee amendments, which either lowers or increases that total.

Mr. CLARK. An individual amendment may be offered to a committee amendment at any stage.

Mr. NORRIS. Yes; but it might be that the amendment would be offered to the language of the joint resolution as it came from the House, not to a committee amendment, and therefore it would not be in order until after the committee amendments were disposed of.

Mr. CLARK. I think there is a great deal in what the Senator says. Of course, the present difficulty grows out of the inherent weakness of the Senate's practice of agreeing to consider committee amendments before any individual amendments are considered. That is something which has grown up in the Senate. I do not know how, but it is the practice of the Senate. I believe, however, that the very much more logical course as to the consideration of the committee amendments in paragraph (1) would be to drop the total down to the bottom of the paragraph.

Mr. NORRIS. The point I wanted to make was that the Senator still might have remaining the difficulty I have suggested.

Mr. CLARK. I think there would be some difficulty, but I think it would very largely obviate the difficulty to adopt the motion to postpone.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. It is the opinion of the present occupant of the chair that the motion of the Senator from Missouri [Mr. CLARK] carries with it the amendment offered by the Senator from Minnesota [Mr. LUNDEEN], and in the opinion of the present occupant of the chair it would have that effect.

The Senator from Idaho is recognized.

Mr. BORAH. Mr. President, I was merely going to ask what had become of the amendment to the amendment.

Mr. CLARK. It will be carried down to the bottom of the paragraph.

The PRESIDING OFFICER. In the opinion of the Chair, it would be caried over with the motion of the Senator from Missouri.

Mr. McKELLAR. Mr. President, let me say that the practice which was adopted in the case of this joint resolution is practically the same practice that was adopted in considering the act of June 22, 1936.

Mr. CLARK. It is a bad practice.

Mr. McKELLAR. It may be a bad practice, but it would work in just exactly the same way. That act reads:

> To continue to provide relief, and work relief on useful projects, in the United States and its Territories and possessions (including projects heretofore approved for the Works Progress Administration, which projects shall not be subject to the limitations hereinafter specified in this paragraph), $1,425,000,000, to be used in the discretion—

And so forth, dividing it up in exactly the same way.

I have the other acts before me. I find that the act of April 8, 1935, is exactly the same; the act of 1937 is exactly the same; and that is true of all of them with the exception of the one appropriating $250,000,000, and that was all there was in it. But we are following the practice which has been followed ever since we started appropriating for relief, and it seems to me there is no necessity for changing it at this late date.

Mr. CLARK. Mr. President, the argument of the Senator from Tennessee reminds me of the expression of a boatman who was once rowing me across the Mississippi River to engage in a little fishing. On the way across he said, "Mr. Benny, I wish I had $7." I said, "Mose, what do you want with $7?" "Well," he said, "I don't know, Mr. Benny, but I think $7 is just a nice sum to have." [Laughter.]

The proposition of the Senator from Tennessee is that we ought first to agree on the total, and then it does not make

any difference what we do afterward with the items making up the total; that we ought to agree on the total, and then say, "Well, this total of $1,425,000,000 is just a nice sum to have."

My motion to postpone only goes to the proposition that we ought to agree on the itemization and then amend the total, if necessary, to represent the aggregate of the items.

Mr. McKELLAR. Ordinarily, that is true, and we practice it in all appropriation bills. Ordinarily, when we finish appropriation bills, if there are many items in them, we give the clerks the power and right to correct the totals; and that might well be done at any time.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri [Mr. CLARK] to postpone the consideration of the pending committee amendment until the other amendments to the paragraph are disposed of.

Mr. ADAMS. Mr. President, I desire to have a clear understanding of the motion. May it not be stated by the clerk again?

Mr. CLARK. It shifts the first amendment on page 2 to the end of subdivision (1).

Mr. ADAMS. Shifts the amendment to page 3?

Mr. CLARK. Yes.

Mr. ADAMS. Would it leave it open for consideration at the conclusion of the action on the committee amendments?

Mr. CLARK. That is exactly the motion.

Mr. ADAMS. It merely changes the order of consideration?

Mr. CLARK. It merely postpones it until after the consideration of the other committee amendments in subdivision (1), title I.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 2, line 7, after the numeral "1937", it is proposed to insert "and the joint resolution of March 2, 1938" and a comma.

Mr. WHEELER. Mr. President, a little while ago, when the monetary question was raised by the Senator from Kentucky, I interrupted him, and followed with a statement. I desire to correct a statement I made at that time. One of the statements I made was that when the President established the stabilization fund something was said with reference to what he intended to do regarding the depreciated currencies.

I made the statement that the President had recognized the bad effect the depreciated currencies were having upon the United States when he established the stabilization fund. He made the following statement at the time of the devaluation of the gold dollar. On February 1, 1934, he stated:

> Whereas I find upon investigation that the foreign commerce of the United States is adversely affected by reason of the depreciation in the value of the currencies of other governments; and
>
> Whereas I find from my investigation that in order to stabilize domestic prices and to protect foreign commerce against the adverse effects of depreciated foreign currencies it is necessary to fix the weight of the gold dollar at 15 5/21 grains, nine-tenths fine.

I also called attention to some figures with reference to what happened under the gold revaluation, and I wish to give the accurate figures to the Senate at this time.

We find that the object of the gold revaluation and the stabilization fund was to protect our foreign commerce against the adverse effect of the depreciated currencies. I have taken the quotations of the foreign exchange markets for the principal nations of the world on February 1, 1934, and on May 7, 1938. Bear in mind that the purpose of the gold revaluation and of the stabilization fund was to protect American commerce against the effect of depreciated foreign currencies. The British pound is quoted in dollars and cents and all other moneys are quoted in cents.

The British pound was quoted on February 1, 1934, at $5.0175; on May 7, 1938, at $4.98125.

French franc, February 1, 1934, 6.41 cents; May 7, 1938, 2.80 cents.

Mr. NORRIS. What year was that last?

Mr. WHEELER. May 7, 1938.

Mr. NORRIS. And the other was for the same year?

Mr. WHEELER. The other was February 1, 1934, at the time of the establishment of the stabilization fund and the revaluation of gold.

So I say that we must bear in mind that at the time gold was revalued and at the time the stabilization fund was created the President stated that the object was the stabilizing of these currencies, and I have quoted his language. In other words, the French franc has depreciated nearly two-thirds of what it was.

On February 1, 1934, the Italian lira was quoted at 8.52 cents; on May 7, 1938, it was 5.265.

The Belgian belga was 22.75 cents on February 1, 1934, and on May 7, 1938, it was 16.79.

The Dutch guilder was 65.60 cents on February 1, 1934, and on May 7, 1938, it was 55.54.

The Danish krone was 22.42 cents in 1934, and it went down only to 22.25. There was very little difference.

The Swiss franc dropped from 31.65 cents to 22.87 cents.

The Hong Kong dollar dropped from 37 cents to 31 cents.

As of May 7, 1938, the moneys of the world, the franc, the lira, the belga, the milreis, the yen, and the Hong Kong dollar all bought less American goods than they did on February 1, 1934, when we set up the $2,000,000,000 stabilization fund to carry out the object of stopping the depreciation of currencies of other countries, and when we started to stabilize domestic prices and increase our foreign trade.

I wish to give a specific example. The American automobile is a typical export commodity. Let us assume $600 to have been the price of a particular car available for export on February 1, 1934. Let us assume a $600 motor car to be available for export today. If an Englishman had bought the car on February 1, 1934, he would have paid us 119½ pounds sterling. Today he would pay us 120.4 pounds sterling. This is less than $5 difference. It is less than 1 percent difference.

If a Frenchman had bought that car on February 1, 1934, his franc being worth 6.41 cents, he would have paid 9,349 francs for the car. On May 7, 1938, the franc being worth 2.80 cents, the Frenchman would have paid, not 9,349 francs, but 21,419 francs; and so on in the case of all the other nations.

In Brazil, for instance, a purchaser would have had to pay 10,169 milreis in 1938, instead of 6,960, as he would have paid on February 1, 1934.

In Holland guilders, one would have had to pay 1,080, in comparison with 916 in 1934.

In belgas the purchaser would have had to pay 3,573 belgas in 1938, as against 2,637 in 1934.

In Italy a purchaser would have had to pay 11,396 liras, as against 6,960.

Mr. NORRIS. The second figures the Senator is giving are of the later date?

Mr. WHEELER. No. The first figure is of May 7, 1938. For instance, in the case of Brazil, 6,960 milreis, whereas on May 7, 1938, the price would have been 11,396 milreis.

The converse of this clarifies our thinking. If an American importer on February 1, 1934, had wanted to buy French goods, as, for example, wines or laces or perfumes, he could have bought 9,9349 francs' worth for $600. Today, four and a quarter years afterward, he can buy 21,419 francs' worth of wine or laces or perfumes or any other commodities in France with the $600. The $600 American car in the meantime may be different in specifications, and the French goods may have risen in price, but the point is that we are in infinitely worse shape today with respect to the protection of our foreign commerce from depreciated currencies of other nations than we were on February 1, 1934, when we initiated our foreign exchange policy.

I wish to call attention now to the application of exports to agriculture. I have instanced the case of the motorcar

merely to show a specific example of depreciated foreign currencies adversely affecting the American markets. In the period 1926 to 1930 we had an average export, for the 5 years, of 276,000 American-made automobiles, with an export value of $197,600,000. In the next 5 years, from 1931 to 1935, our exports of motorcars dropped to an average of 100,000, with an export value averaging $55,305,000.

On page 60 from the Monthly Summary of Foreign Commerce of the United States, issued by the Department of Commerce for December 1937, and corrected to January 27, 1938, we find that the imports of foreign merchandise into this country totaled $3,012,486,953 and the exports from the United States to foreign countries totaled about $3,294,916,215.

In other words we had a balance of trade in favor of the United States of some $281,500,000. But we must keep in mind that the object of the monetary legislation was to protect the trade of the United States against depreciated currencies.

I now present figures from a table showing precisely what has happened during 1937, three years after the stabilization fund was set up to protect our commerce. This is the way it affects agriculture.

Animals and animal products, edible. Imports, $114,494,760. Exports, $62,428,599.

Animals and animal products, inedible. Imports, $222,392,014. Exports, $53,891,732.

Vegetable food products and beverages; imports, $738,879,148 as against exports of $216,419,606.

Vegetable products, inedible, except fibers and wood. Imports, $489,932,612. Exports, $219,219,918.

Textile fibers and manufactures. Imports, $476,988,464. Exports, $467,292,767.

Wood and paper. Imports, $306,469,074 as against exports of $136,627,453.

Totals of imports are $2,349,156,072 as against exports of $1,155,880,075.

Coming to the nonmetallic minerals it will be found that exports increased during 1937, and as I stated, they increased in many instances because of the wars and threatened wars in various countries.

The point I wish to make is that $2,349,156,072 worth of foreign agricultural goods came across our borders in a single year, all of which were produced on foreign soil, all of which were processed or semiprocessed by foreign labor, all of which were transported on foreign rails or on foreign ships, and all that occurring 3 years after we had set up a stabilization fund of $2,000,000,000 to protect the Government of the United States. Insofar as agriculture and American labor which processes agricultural products are concerned, and insofar as the American railways which are supposed to carry the raw materials to the processing plants and the processed materials to the consumers are concerned, America lost and the foreigners won.

The PRESIDING OFFICER. The time of the Senator on the amendment has expired.

Mr. WHEELER. Then I will take some time on the bill. Mr. President, I am just informed by the Senator from Missouri [Mr. CLARK] that I cannot divide my time on the bill, so I will not take any more time.

The PRESIDING OFFICER. The question is on the committee amendment on page 2.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. Which amendment is that, the first or the second on page 2?

The PRESIDING OFFICER. The pending committee amendment will be stated.

The CHIEF CLERK. On page 2, line 7, after the figures "1937", it is proposed to insert "and the joint resolution of March 2, 1938."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the committee was, on page 2, line 10, after the word "projects", to strike out "heretofore", so as to read:

(b) the prosecution of projects approved for such administration under the provisions of the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1936, and the Emergency Relief Appropriation Act of 1937, which projects shall not be subject to the limitations (1), (2), and (3) of (d) hereof.

The amendment was agreed to.

The next amendment was, on page 2, line 21, after the word "streets", to strike out "$425,000,000" and insert "$484,500,000", so as to read:

(c) aiding self-help and cooperative associations for the benefit of needy persons; and (d) the following types of public projects, Federal and non-Federal, subject to the approval of the President, and the amounts to be used for each class shall not, except as hereinafter provided, exceed the respective amounts stated, namely: (1) Highways, roads, and streets, $484,500,000.

Mr. CLARK. I should like to have the Senator from Colorado explain that amendment. I am very deeply in sympathy with the construction of public roads, but I should like to find out the basis on which the committee arrived at the amount provided by the amendment.

Mr. ADAMS. Mr. President, the appropriation of $425,000,000 was one of the items making up the original total of $1,250,000,000. When the committee increased the total by adding $175,000,000 in order to carry the relief program for 8 months instead of 7 months, they then distributed on a pro rata basis the $175,000,000 among the items which made up the original total; so these items, as amended, would equal the amended total.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, lines 21 and 22.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The next amendment was, on page 3, line 3, after the word "control" and the semicolon, to insert "drainage", so as to read:

(2) Public buildings; parks and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply and purification systems; airports and other transportation facilities; flood control; drainage; conservation; eradication of insect pests.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "pests" and the semicolon, to strike out "projects for the production of materials for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under provisions of State law."

Mr. LA FOLLETTE. I desire to offer an amendment to amend the House text prior to action on the committee amendment striking it out. I, therefore, tender the amendment on page 3, line 5, to strike out the word "materials" and to insert the words "lime and marl."

Mr. CLARK. That is a different amendment, is it not? The amendment now pending is the insertion of the word "drainage."

Mr. LA FOLLETTE. No; that amendment has been acted on. I move to amend the House text, before action is taken on the amendment to strike out the language on page 3, beginning with the word "projects" in line 4 and ending with the word "law" in line 7. I understand that is in order, since I intend to perfect the House text. I offer an amendment prior to action on the committee amendment, in line 5, to strike out the word "materials" and insert the words "lime and marl."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin perfecting the House text in the committee amendment on page 3, line 5.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I hope that the committee amendment may be rejected in the light of the amendment to the House text which has been agreed to.

This amendment was inserted by the Senate in the joint resolution providing $250,000,000 which was passed this spring. It went to conference and it was disagreed to and eliminated. The House has now adopted the amendment in identically the same form as the Senate passed it earlier this year. Because of the general term employed in the amendment, however, some apprehension has arisen on the part of those who manufacture mixed and other high grade fertilizers, that the purpose of the amendment was designed to enable the W. P. A. to produce mixed and high grade fertilizers. Such is not the intention. The purpose of the amendment is to enable projects under State law, such as we have in Wisconsin, to continue to produce lime and marl for the purpose of eliminating the acid condition of soils in the State of Wisconsin. Such projects have been among the most popular and beneficial rural projects in my State, and they are a type of project which it seems to me should be encouraged, because after the soil has been sweetened it enables farmers to produce feed for dairy and other livestock which they otherwise would have to pay cash to purchase.

It is estimated, for example, that the farmers in Wisconsin in the last 10 years have had to spend some $300,000,000 in purchasing feeds which they otherwise could grow themselves if the soil were to be sweetened so that they could produce alfalfa and other lime-consuming crops.

There has been no criticism I may say, in Wisconsin from any of the commercial producers of lime and marl, so far as I am aware, and I am informed by the W. P. A. that there has been no criticism which has come to their attention. Over 3,000,000 tons of lime and marl have been produced under this State law by locally sponsored projects under W. P. A. in the past.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. AUSTIN. I should like to inquire if the Senator from Wisconsin has learned the use by these projects in his State of competitive products that come from Canada across the line into his State, for example, lime? In Vermont we find lime scattered about the State, and private industry has been producing it for many years, although never making much money out of it. I have been appealed to from time to time on account of the use of lime which is imported from Canada for works-progress projects, when there is plenty of it in the State of Vermont. There is nothing in this amendment which affects that condition?

Mr. LA FOLLETTE. There is nothing in the amendment which affects that condition. As the Senator will see, the amendment is designed entirely for the purpose of enabling farmers to use lime and marl to sweeten their soil in order that they may grow alfalfa and other crops which will not grow in a sour soil. Let me say further that it is my personal opinion that the reason there has been no complaint that I have heard from the people who produce lime commercially is that they recognize that unless the farmers could get the lime at a very cheap price—they pay merely the actual cost of its production—they would not be buying it in their present economic status. I am satisfied that the amendment, which has already been agreed to, will meet the objection which I think was erroneously aroused in the minds of the producers of commercial mixed and high-grade fertilizers, that this amendment was designed to permit W. P. A. projects to go into the production of that type of fertilizer.

Mr. HALE. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Maine.

Mr. HALE. I have received two telegrams from lime producers in the State of Maine, which I should like to read:

ROCKLAND, MAINE, *May 17, 1938.*

Senator FREDERICK HALE,
Washington, D. C.:

We are advised that Boileau amendment to new relief appropriation bill would, if passed, permit States to manufacture and distribute materials for fertilizing soil. We strongly protest such provision, as it would be disastrous to the lime industry, especially in State of Maine.

ROCKLAND ROCKPORT LIME CO., INC.

NEW YORK, N. Y., *May 18, 1938.*

Hon. FREDERICK HALE,
United States Senator, Senate Office Building:

We are advised that House Joint Resolution 679 contains Boileau amendment which would permit a State to manufacture and distribute materials for fertilizing the soil. Inasmuch as we own and operate a lime plant in the State of Maine, we would welcome your opposition to this amendment. Already we are facing strenuous competition from Canadian lime manufacturers, as well as others, in the State, and further productive capacity would seriously affect our business. In our opinion, there is, and has been for some time, an overproductive capacity of lime manufacturers serving this area.

LAWRENCE PORTLAND CEMENT CO.

Mr. LA FOLLETTE. Let me call the Senator's attention to the fact that the amendment provides that such projects must be conducted under the provisions of State law. So far as I know, Wisconsin is the only State which has enacted a State law which permits the local subdivisions to make the necessary outlays for the purchase or rental of machinery to crush the limestone and abstract the marl. I am certain that there can be no competition from Wisconsin insofar as the Maine lime producers are concerned. These projects have to be sponsored under our State law by counties, and the lime or other product has to be obtained by the farmers within the areas where the projects are sponsored. I feel certain that the Senator's constituents need have no fear about competition from Wisconsin as a result of my amendment.

Mr. HALE. The Senator takes the position, then, that the lime which would be used in Wisconsin would not come in competition with the general use of lime in the country?

Mr. LA FOLLETTE. I take the position that the project must operate under State law; and in the first place, so far as I know, Wisconsin is the only State which has enacted such a law. In the second place, I take the position and make the statement that, so far as I know, and so far as I have been able to obtain information from the W. P. A., there has been no complaint from the commercial producers of lime in Wisconsin, because they recognize that the farmers who are using the lime would not be in a position to buy commercial lime because of their economic situation. Therefore, there has been no complaint about competition with the local Wisconsin producers of lime and marl products for the purpose of sweetening the soil.

As I stated at the outset—and I wish to emphasize it in conclusion—Senators recognize that useful projects in rural areas are difficult to obtain. This project leaves the economic status of the farmer better after it has been carried out than it was before. It actually increases productivity. It has a useful economic purpose. These projects have been among the most advantageous projects which have been carried on within my State; and I feel certain, after reading the testimony, that the amendment will largely eliminate the fears of the commercial producers of fertilizer, because I think they apprehended that it was intended that the W. P. A. projects should comprehend the production of mixed and high-grade fertilizers.

Mr. HALE. I should like to ask one more question. Does the Senator feel that under his amendment the producers of lime in Wisconsin would not be able to manufacture an oversupply and sell it in other States?

Mr. LA FOLLETTE. I know they cannot, Mr. President, because the lime must be utilized in the counties where the projects are sponsored.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. What is the Senator's amendment? I was absent from the Chamber for a few moments.

Mr. LA FOLLETTE. On page 3, line 5, I propose to strike out the word "materials" and insert in lieu thereof "lime and marl." My amendment has already been agreed to.

Mr. McKELLAR. Like the Senator from Maine [Mr. HALE], I have received many telegrams against the whole amendment, on the ground that it would result in competition with private lime dealers and private fertilizer dealers of all kinds. That is why I think the language ought to go out.

Mr. LA FOLLETTE. I hope the Senator will not insist, in view of my amendment to the committee amendment, and in view of the further fact that such projects must be operated under State law. So far as I know, Wisconsin is the only State which has adopted such a law.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. AUSTIN. I shall use my own time if I am exhausting the Senator's time.

Mr. LA FOLLETTE. I think I have sufficient time.

Mr. AUSTIN. I suspect that there is no competition, in fact, because of the difference in the character of the product. Is it not true that the product about which the Senator from Wisconsin is talking is merely crushed stone?

Mr. LA FOLLETTE. That is my understanding. The limestone is crushed, and the farmer pays the cost of the crushing and distributes the product on his land.

Mr. AUSTIN. The existing industry produces a stone which is burned or cooked, and manufactured.

The PRESIDING OFFICER. The question is on the committee amendment, as amended.

Mr. NORRIS. Mr. President, I cannot understand why the committee struck the language out of the House bill. From the debate which has taken place, however, I understand that it was done at the instigation of the manufacturers of fertilizer.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. If the Senator will read the testimony of Mr. Brand, who represents the fertilizer interests in Washington, he will find that Mr. Brand was in favor of the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. NORRIS. The amendment about which I am speaking is the committee amendment striking out the language in the House provision.

Mr. McKELLAR. I was just trying to explain to the Senator that the fertilizer interests, through their representative in Washington, have approved the amendment offered by the Senator from Wisconsin.

Mr. NORRIS. The fertilizer interests want the language stricken out. I suppose that is the reason why the committee struck it out.

Mr. McKELLAR. No; the fertilizer interests wanted lime or lime material put in. They did not want to strike it all out.

Mr. NORRIS. Lime and marl are already in.

Mr. McKELLAR. The fertilizer interests wanted the amendment which the Senator from Wisconsin [Mr. LA FOLLETTE] has suggested.

Mr. NORRIS. Why did the committee strike out the language of the House provision? At whose instigation was it stricken out?

Mr. McKELLAR. I do not know at whose instigation; but I think nearly every member of the committee received telegrams from his State.

Mr. NORRIS. They were telegrams like the ones read by the Senator from Maine [Mr. HALE], from manufacturers of fertilizer.

Mr. McKELLAR. The telegrams which I received came from persons dealing in lime.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield, though I hope the Senator will not take up much of my time.

Mr. ADAMS. I wish to make a short answer to the inquiry of the Senator from Maine [Mr. HALE].

Mr. NORRIS. I shall be glad to have the Senator do so.

Mr. ADAMS. Mr. President, my own personal view of the matter was in accord with that of the Senator from Wisconsin [Mr. DUFFY], who was upon the committee, opposing the striking out of the language. The argument in favor of striking it out, as I recall, was that the amendment provided that W. P. A. labor, paid for by the United States Government, would be used upon the projects, but that the material dug out would be distributed to the farmers at cost, without regard to the necessities of the farmers.

Mr. NORRIS. That was the House provision, which the committee has stricken out.

Mr. ADAMS. The Federal Government was to do the work, pay the cost, and distribute the fertilizer material to the farmers at cost, without regard to their ability to pay for it.

Mr. NORRIS. There are different views about the matter. However, as I see it, the committee amendment ought to be defeated if we wish to preserve the La Follette amendment. Entirely aside from that, it seems to me the committee amendment ought to be defeated. The provision applies to projects described as—

Public buildings; parks and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and cooperative associations; sewer systems, water supply and purification systems; airports and other transportation facilities; flood control—

And we have added "drainage"—

conservation; eradication of insect pests.

Then the committee struck out the following language in the House provision:

Projects for the production—

As it reads now—

of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under provisions of State law.

That is the end of the language proposed to be stricken out. For the last 15 or 20 years we have heard debates upon this floor at almost every session concerning the Fertilizer Trust. Here is a provision in the joint resolution by which farmers could get assistance in securing the very things we have been trying to have provided for them. It is proposed to strike out the language, and make the farmer pay more for his fertilizer than he otherwise would. Somebody must get a profit in the meantime on the fertilizer.

I know the fertilizer business is a perfectly honorable business, but investigations have been made by committees and investigations have been made by the Federal Trade Commission as to the practices of what is called the Fertilizer Trust. I have doubted whether such a trust existed, but there have been combinations often between manufacturers of fertilizer with the idea of making a profit by requiring the farmer who had to purchase fertilizer to pay increased prices for it. Here is the provision the House put in, as amended. Let me read it again.

Projects for the production of lime and marl for fertilizing soil for distribution to the farmers under such condition as may be determined by the sponsors of such projects under the provisions of State law.

That is what is proposed to be stricken out. In other words it is proposed to make the farmer buy his fertilizer from the fertilizer manufacturer and to enable him to increase the price to the farmer, the man we have all been professing we want to help. Now the price will be increased and the farmer must pay the increased price for the benefit of the private manufacturer of fertilizer. It seems to me it would be inconsistent for us to strike out this provision. We have provided in the T. V. A. Act, for instance, for the expenditure of Federal money, and millions of dollars have been expended, to cheapen the production of fertilizer. I remember when we had that bill under discussion many Senators—I do not think I was one of them—argued that the most important thing in the bill was the provision for fertilizer experimentation which was provided for, and which has cost millions of dollars. We have appropriated every year for it. Why? In order to cheapen fertilizer; and here is a project in the measure under which the farmers, under State laws, are going to prepare their marl and their lime without paying any tribute to the private manufacturer of fertilizer. It is proposed to strike it out. That is what the committee amendment amounts to.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. BONE. Would this provision in the House text permit the exploitation and development of phosphate deposits, many of which, I think, are in Idaho?

Mr. NORRIS. I should think it would. Before this debate arose, when I read the joint resolution I could not understand for the life of me why the committee wanted to strike out the language to which I have referred. I do not know that it would, if adopted, do any great amount of benefit; my personal knowledge is limited in regard to it. I know something about it; I know something about how marl is prepared for the soil and what it is good for. I do not know that the Senate would be interested in that, but here we are going to prevent the institution of any projects under this joint resolution such as may be provided for sewers and other things. We are going to stop at fertilizer. I do not think the House provision will hurt the manufacturers of fertilizer. The effect would be mostly—there might be some exceptions I will concede, but I do not know what they are—that the fertilizer that is produced from marl and lime, under such a project as is mentioned, would be made by the farmers who can not now afford to buy fertilizer on the market that the so-called Fertilizer Trust has for sale.

Mr. SCHWARTZ. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wyoming?

Mr. NORRIS. I yield.

Mr. SCHWARTZ. The point about this amendment that bothers me is not that it authorizes employment and labor to create fertilizer; if that were all I would certainly have no objection to it; but after the Government has created the fertilizer under this provision the sponsor may distribute it. I do not know who the sponsor is.

Mr. MURRAY. Mr. President, I should like to call attention to the fact that the distribution is under the State law.

Mr. NORRIS. Yes.

Mr. MURRAY. So I should think the State law would control the method and manner of distribution.

Mr. LA FOLLETTE. That is correct. The Senator has put his finger on the important point involved.

Mr. SCHWARTZ. I will change my inquiry, then. Will the Senator please state what the State law provides as to the manner in which the fertilizer is to be distributed and to whom?

Mr. LA FOLLETTE. Whenever such projects are set up in a county the farmers within that county could obtain this material by paying the cost of the labor and the raw material, and all are eligible who desire to meet the qualifications.

Mr. NORRIS. As I understand from what the Senator from Wisconsin says, very few States, probably only one State, have a law on the subject. There may be others. At any rate, other States can easily pass such laws if they want to do so. I know something about the way the marl is taken out of the lakes which are, more or less, public property. I think they are; they are owned by the public. Dredges take the marl out. It is dried, afterward crushed, and sprinkled or spread over the soil. No fertilizer producer would be injured by such a transaction. The fertilizer would be produced only in the vicinity where the material exists, and where it is to be used. If there is any danger of shipping it out of the State, although I would not object to that, and if it is desired to confine it within the State we can do that by a very proper amendment.

But it seems to me we are going beyond reason. We are in this measure, as I see it, protecting the manufacturers of fertilizer who for 20 years have been before the courts and before investigating bodies on the theory that they have had an illegal combination against the laws of the country.

Mr. HALE. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. HALE. When the Senator speaks of illegal combinations he is referring to the fertilizer interests, is he not?

Mr. NORRIS. Yes.

Mr. HALE. I do not think there is any Lime Trust. I know the lime interests in my State barely make a living, and I think it is natural that they should not want any legislation that would cut in on what little business they have. Therefore, I think they are perfectly justified in protesting if they think their interests would be jeopardized.

Mr. SCHWARTZ. Mr. President, as I understood the explanation as to the scope of the State law it was that the sponsors would acquire the fertilizer by paying the cost of labor and raw material. Is that true?

Mr. NORRIS. I did not say that but that is what the Senator from Wisconsin said.

Mr. LA FOLLETTE. Mr. President, if the Senator from Nebraska will permit me, that is the provision of the State law under which these projects are sponsored.

Mr. SCHWARTZ. In a particular project, then, if the Government labor amounted to $25,000, to whom would the $25,000 be paid—to the State or to the Government?

Mr. LA FOLLETTE. Farmers pay an amount equal to the cost of the raw materials and operating expenses.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. McKELLAR. Mr. President, the only testimony about this matter before the committee was in the form of several telegrams received, which do not seem to have been copied into the record, and the testimony of Mr. Charles J. Brand. Senator Byrnes asked Mr. Brand this question:

Senator BYRNES. Who are you now representing?
Mr. BRAND. The National Fertilizer Association.

This was Mr. Brand's suggestion:

Mr. Chairman, my suggestion is that, instead of making it apply to fertilizer material, that it be made to apply to what it was intended, namely, liming material, and I do that with hesitation, because I do not want to seem to my colleagues in the liming industry to be inviting relief funds to be spent in displacing their activities. On the other hand, if it is desired to confine it to what it was really intended to be confined to, it should be limited to liming material.

On that testimony and on the basis of the telegrams the committee was of the opinion that the provision should be stricken out; and it did strike it out. I do not see much objection to it if the Senator from Wisconsin would limit it to lime, although I think it would be better for the committee's action not to be interfered with at all. That is merely my judgment about it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed without amendment the bill (S. 3843) to remove certain inequitable requirements for eligibility for detail as a member of the General Staff Corps.

The message also announced that the House insisted upon its amendment to the bill (S. 2475) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. NORTON, Mr. RAMSPECK, Mr. GRISWOLD, Mr. KELLER, Mr. DUNN, Mr. WELCH, and Mr. HARTLEY were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 1307. An act for the relief of W. F. Lueders;

S. 3092. An act for the relief of the Georgia Marble Co.; and

S. 3522. An act authorizing the President to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy, and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy.

RELIEF AND WORK-RELIEF APPROPRIATIONS

The Senate resumed the consideration of the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The LEGISLATIVE CLERK. On page 3, line 8, after the word "projects", it is proposed to strike out "$575,000,000" and insert "$655,500,000."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. FRAZIER. Mr. President, my colleague [Mr. NYE] has an amendment prepared to this item in line 8, page 3, together with a paragraph which takes $30,000,000 out of the $655,500,000 for water-conservation projects in the Great Plains States.

A conference was held between the Commissioner of Reclamation and someone else from his Bureau and a number of the Senators from the Great Plains States, and the Commissioner was very strongly of the opinion that something should be done for water conservation in the Great Plains States. In other words, those State are the so-called Dust Bowl, the States which have had a drought for several years. We have quite a number of little irrigation projects which the engineers have surveyed and the Reclamation Service has approved, but there is no money available for them unless it comes out of this amount.

Mr. President, on behalf of my colleague [Mr. NYE], I offer the amendment, which I send to the desk, to the committee amendment on page 3, line 8.

The PRESIDING OFFICER. The amendment offered by the Senator from North Dakota, on behalf of his colleague, to the amendment reported by the committee, will be stated.

The LEGISLATIVE CLERK. On page 3, line 8, it is proposed to strike out "$655,500,000" and insert in lieu thereof the following:

$625,500,000; and (3) for water conservation projects in the Great Plains, arid and semiarid areas of the United States; the Secretary of the Interior to select the projects and to allocate the costs of each project between work-relief expenditures to be met from funds made available in this subsection and public-works expenditures, the costs allocated to public-works expenditures to be met from the $30,000,000 made available to said Secretary for said projects in title II of this act; said Secretary to require repayment to the United States, without interest, over a period of not to exceed 40 years, of such percentage of the total cost of each project as he, in his discretion, determines, repayment to be made under a contract, or contracts, executed by said Secretary with a water users' organization, or organizations, satisfactory to him; said contract, or contracts, to contain such provisions respecting ownership and operation and maintenance of the project works as said Secretary may in his discretion require; receipts of the United States from such contracts to be covered into the Treasury as "Miscellaneous receipts": *Provided*, That said Secretary may in his discretion construct and lease said projects, or any of them, with or without the privilege of purchase, to any public agencies or water users' organizations, $30,000,000.

On page 3, line 9, it is proposed to strike out the figure "(3)" and insert in lieu thereof the figure "(4)."

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. FRAZIER. I am glad to yield.

Mr. HAYDEN. I think the Senator from North Dakota will concede that I am as keenly interested in the development of irrigation as any Senator could be.

Mr. FRAZIER. Yes.

Mr. HAYDEN. I look with very grave doubt, however, upon the advisability of adopting this amendment. It has one fault to begin with, that it takes money away from the Works Progress Administration and turns it over to the Secretary of the Interior. It is an attempt at earmarking money which the Budget Bureau has estimated is necessary to carry on relief work under the supervision of Mr. Hopkins, reducing it by that amount, and devoting it to another purpose. That is highly undesirable.

The second proposition is that if the Senate is to earmark money carried by the joint resolution in this particular, then it should be done in all other particulars. The Senator is well aware that there are proposals to earmark for flood control, to earmark for rivers and harbors, to earmark for Army construction, and I have heard of proposals to earmark money carried by the joint resolution for large reclamation projects.

It is impossible to satisfy everyone interested in these various types of Federal activity unless the Senate shall very materially increase the total sum of money to be appropriated by the joint resolution. We have added a sum at the beginning of the public-works appropriation to carry on the work for 1 more month. Many people must be cared for in the month of February of next year. That is, they must be cared for by being provided with jobs; and I very seriously doubt the advisability of taking money away from something which has been closely estimated as necessary for that purpose and diverting it to a totally different purpose.

For that reason I cannot, in very good conscience, support the Senator's amendment.

Mr. FRAZIER. Mr. President, conservation, of course, is a part of the program under which this item of $655,500,000 is provided for.

Mr. HAYDEN. The Senator will agree that in the past year, and the year before, a large number of Works Progress Administration projects have been adopted in the Dust Bowl area; that small reservoirs have been constructed with relief labor; and they have been so beneficial that their success prompts the Senator to ask for an expansion of that program. If there are in the vicinity men out of work, there is nothing I can conceive of that would be better than to institute projects of this kind; but they must be instituted in relation to the number of unemployed persons in the locality.

That is the rule which must be used in the expenditure of funds under this joint resolution. The question is not that the project is desirable or undesirable; but if there is an area where men are out of work, then, if the thing to do is to build a storage dam, or to spread water on the land, by all means do it. I am heartily in favor of that; and I am sure an examination of the report made by Mr. Hopkins will show, beginning up at the Canadian line and extending down through a whole tier of States to Mexico, that many of these projects have been built, and others undoubtedly will be built out of this very large sum of $655,500,000. The people of the States in the Dust Bowl may expect their fair share of that sum of money; but to attempt to earmark money for a definite purpose, and to take it away from the Works Progress Administration and turn it over to the United States Reclamation Service, which is in the Department of the Interior, simply means that the amount of money available to the Works Progress Administration will be reduced by that amount.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. FRAZIER. Yes; I yield.

Mr. MURRAY. My understanding is that on page 20, under title II, provision is made for funds to carry on the construction of water projects, such as the Senator has in mind, and that under those provisions the Secretary of the Interior is authorized to carry on the construction of water projects of the character the Senator has in mind, and that the section in the first part of the joint resolution which we have been discussing has reference only to the Works Progress Administration.

Mr. FRAZIER. That may be true; but the Bureau of Reclamation of the Department of the Interior has made a recommendation of the amount to be needed in the so-called Great Plains area, which is approximately $30,000,000.

So far as the matter of earmarking is concerned, I do not want to try to establish a precedent for earmarking at all.

If there is objection on that ground, I should like to ask that the amendment go over until the other amendments have been voted on; and if the earmarking proposition is put in, then there would be no objection to this amendment that I can see. If we are not going to earmark, I shall be perfectly willing to let the amendment be voted down.

Mr. MURRAY. My understanding is that the Administrator of W. P. A. now has authority to carry out projects which are prepared in the various counties of the dought-stricken sections of the country and which are sponsored by those counties, and can, with the authority he has under the joint resolution as it is now formulated, carry out projects of that kind without any limitation.

Mr. WHEELER, Mr. McKELLAR, and other Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. FRAZIER. I yield to the senior Senator from Montana.

Mr. WHEELER. Mr. President, if I correctly understand the Senator's amendment, this is not an amendment simply for a little water hole out in a Western State, but it is a proposal to earmark $30,000,000 for the so-called Dust Bowl, including North Dakota, South Dakota, and portions of eastern Montana.

Mr. FRAZIER. Yes; also Oklahoma, New Mexico, and Nebraska.

Mr. WHEELER. We have talked about the Dust Bowl, we have held conferences in South Dakota and North Dakota and Nebraska, and elsewhere, but nothing has been done about it. There is only one way to help the Dust Bowl. There is not any use of fooling ourselves about it. The way to help the Dust Bowl is to get water on that area. There is not any other way to do it.

With reference to W. P. A., let me say that the W. P. A. at the present time has not any authority to spend any considerable amount of money in the Dust Bowl. It can put in little projects with the counties or the cities, but it has not any authority to go ahead and put in any reclamation projects. This $30,000,000, as I understand, is for that purpose. The amount that is estimated by the Reclamation Service as necessary to get started on the work is something like $30,000,000.

Let me say to the Members of the Senate that I am thoroughly familiar, and the Senator from North Dakota is thoroughly familiar, with this very area in North and South Dakota and Montana and eastern Montana. I do not know much about Oklahoma. I do not believe most Members of the Senate can appreciate what those unfortunate people have gone through for the past 6 or 7 years. It is literally true that in some places there has not been enough grass raised to feed the grasshoppers. There was not anything on which the grasshoppers could live, to say nothing of animals.

People have had to go off that land by the hundreds, and have had to pack up and leave eastern Montana by the thousands. There are some projects in North Dakota and some projects in eastern Montana where the people can in drought years have some water, some little irrigation projects, where they can raise some feed for their cattle and some feed for their sheep. This is an opportunity actually to be of some assistance, not just to talk about it when someone is running for public office. Most of the people in northeastern Montana are on relief. We are talking about giving relief to the workers, but the farmers there have been on relief. They are out of work, and in order to live they had to go on relief or get work on projects away from their homes.

All the amendment seeks to do is to establish some projects, badly needed, where the farmers can actually go to work and add to the capital assets of the Nation. Unless something such as this is done, we will have to continue to feed them. They will continue on the relief rolls.

To say that we cannot earmark $30,000,000, to say that the W. P. A. can do the work, is no reason for defeating this amendment, because in the first place they cannot do it; and if they can do it, then for 6 long years they have neglected their duty. My understanding is that they cannot do it because of the specifications they have to follow. We have tried to work the matter out so that some relief funds could be used and some reclamation funds could be employed. In other words, we have tried to work it out with the Administration so that it could use some relief money on the lands in doing the rough work, and then take some reclamation money, because what is in mind is a pure reclamation project. The cost is too high for the farmers ever to pay it back.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. ELLENDER. Instead of specifying a particular amount, would not the Senator be satisfied to give the W. P. A. the right to do this work?

Mr. HAYDEN. Mr. President, I am sure the Senator is mistaken in saying the Works Progress Administration does not now have the right to do such work. There have been exhibited and sent to Senators photographs of projects of that very character.

The PRESIDING OFFICER. The time of the Senator from North Dakota has expired.

Mr. WHEELER. I will take 15 minutes of my time on the amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. HAYDEN. Based upon the cooperation afforded, projects of the character described by the Senator from Montana have been undertaken, and so successfully that there is a provision in the agricultural appropriation bill which appropriates money to be used in the region that was drought stricken, in cooperation with the Works Progress Administration, with the Civilian Conservation Corps camps, and the Rural Resettlement Administration to carry on that kind of work.

The Senator is wholly mistaken when he says that such a project cannot be built by the Works Progress Administration, because they have done it, and they are going to continue to do it. When there is a heavier type of construction to be done——

Mr. WHEELER. That is what this is.

Mr. HAYDEN. Oh, no.

Mr. WHEELER. Yes, it is.

Mr. HAYDEN. When it is a heavier type of construction, to which the reclamation law is applicable, authority is found in another part of the joint resolution, which relates to the Works Progress Administration. That would be a Public Works undertaking, and the money appropriated in this measure is to be available just as it was in the two previous relief bills, under which large reclamation projects were undertaken, the amounts expended to be reimbursable under the reclamation law. The Secretary of the Interior is given the same authority in the pending measure that he had under the other relief acts to undertake reclamation projects of various types.

That to which I object more than anything else in the pending amendment is the policy of robbing Peter to pay Paul. There is just sufficient money appropriated in this joint resolution to carry on relief generally throughout the United States until next February. The proposal is to take part of that money away from the Works Progress Administration and have it expended by another agency of the Government.

Mr. NORRIS. Will the Senator from Montana yield to allow me to ask the Senator from Arizona a question?

Mr. WHEELER. I should like to answer the Senator, if I may.

Mr. NORRIS. The Senator from Arizona may answer my question at the same time.

Mr. WHEELER. Very well.

Mr. NORRIS. Suppose this amendment, instead of taking a part of the appropriation now made, provided for a new

appropriation, and added that much to the amount appropriated in the pending joint resolution; would there be any objection to that?

Mr. HAYDEN. Then the amendment would not belong in this portion of the joint resolution, because the amendment by its text provides that there shall be taken away $30,000,000 from the Works Progress appropriation.

Mr. NORRIS. I am assuming the amendment is changed so that it will not take anything away from the Works Progress Administration.

Mr. HAYDEN. Then it would not belong in the Works Progress Administration title of the joint resolution. If the Senate wants to amend the joint resolution by increasing the amount for a specific purpose, it should be done at the proper place in the measure. The only object in offering the amendment to this part of the measure was to reduce the amount available to one service and to give the money to another service.

Mr. WHEELER. Mr. President, the Senator is wrong when he says it would be robbing Peter to pay Paul; and if the Senator understood the conditions, he would not make such a statement. The Senator knows that I have great respect for his judgment and his ability, but he is wrong when he says it would be robbing Peter to pay Paul. This would apply to a section of North Dakota and a section of Montana and a section of South Dakota, where the farmers have been on relief and are being paid out of relief funds.

Mr. HAYDEN. The Senator from Montana is making identically the same argument that I made in support of an amendment to the agricultural appropriation bill, that it was cheaper, in the long run, to build feasible irrigation projects and let the farmers become self-supporting than to carry them on relief. We are in thorough accord, and I am just as firmly convinced as is the Senator of the merits of this kind of an undertaking. But this is not the place in the joint resolution to take care of the matter.

Mr. WHEELER. I do not know that I understand correctly the amendment of the Senator from North Dakota, but if I do, it is not offered to insure the construction of water holes in the section of the country to which we have referred. The W. P. A. has been doing that, and some of those works have been of value, and I give the W. P. A. credit for the work they have done. I think they should have done much more of it. I think they have performed some really constructive service in building these water holes in this plains area.

Mr. ADAMS. Mr. President, will the Senator permit me to call attention to the language of the amendment itself?

Mr. WHEELER. Certainly.

Mr. ADAMS. I think the amendment was drafted under a misapprehension as to the provisions of title II. It provides that there shall be a reduction of $30,000,000 in the allocation in line 8, on page 3. Then it provides that the Secretary of the Interior shall select the projects and allocate the costs between work-relief expenditures to come out of the $30,000,000 made available to said Secretary for said projects in title II of this act.

In title II of the joint resolution there is no such $30,000,000 made available. In other words, I think the amendment was drawn with the idea that the $30,000,000 recommended by the Secretary of the Interior was or would be included in the measure, so that the amendment is improper in that respect.

It seems to me that the Senator from North Dakota would be wise to permit the amendment to go over for further consideration, provided he were protected in his right to offer it. In other words, he is offering it to a committee amendment. I would not want to see the Senator lose his right to offer the amendment, but I think that if the matter could go over and he could save his right, he would find it worth while to submit the amendment later.

Mr. BYRNES. Mr. President, will the Senator from Montana yield?

Mr. WHEELER. I yield.

Mr. BYRNES. The amendment proposed would take money from the fund which is appropriated to put 3,000,000 relief workers to work. It would divert it to the particular use set forth, and it would authorize the Secretary of the Interior to select the projects to be built under Mr. Hopkins' W. P. A. There would be no sponsor, as is required of all W. P. A. projects—I think the amendment should be withdrawn, and, if offered at all, should be offered to the public-works portion of the bill, and not to this portion. I am sure that the Senator who drew the amendment did not have in mind the fact that it would make the law impossible of administration.

Mr. WHEELER. I have discussed with the President on numerous occasions the matter of the use of some of the W. P. A. money on some of the reclamation projects in eastern Montana and North Dakota, and throughout the drought-stricken area. I have suggested taking the people who are on relief and who are on the W. P. A. rolls and using them to do some of this work. The President has taken that action already. For instance, in the case of Buffalo Rapids, in which my colleague was very much interested, the President did just what has been suggested. He took some of the money out of W. P. A. and used it in cutting down construction charges on an irrigation and reclamation project.

Mr. MURRAY. Mr. President, will my colleague yield?

Mr. WHEELER. I yield.

Mr. MURRAY. Such a condition exists at this time. Under the W. P. A., as it is being administered now, the Administrator has the power to have projects sponsored in the drought-stricken section, and to carry on work of that kind. That can be done under the joint resolution as it is now before the Senate. The matter has already been studied by counsel, and I am advised by the Administrator of the W. P. A. that he will have the power, and it is necessary to do the things the able senior Senator from Montana is describing. I have been working on the subject for the past several years.

Only last year I succeeded in having the W. P. A. prepare a project in one of the drought-stricken sections in eastern Montana. That project, which is a very large one, is being carried on at the present time at Buffalo Rapids, Glendive, Mont. Such work can be done and it is intended to be done when this measure becomes a law. The Reclamation Bureau will be able to formulate projects in drought-stricken areas where, because of its cost, the farmers are unable to carry the burden of the entire project. The W. P. A. will be able to come in and fit in with the Bureau of Reclamation, and carry out some of the work so as to enable us to secure a project of that kind in an area where the farmers are unable to pay for it and make the expenditure wholly reimbursable.

Mr. WHEELER. I do not want to interrupt my colleague, but I do wish to say a word in my time. I agree that the President of the United States has done some of the things referred to. But there has also been some question in his mind as to whether or not a project was feasible in all cases. There ought not to be any question about it at all. The difficulty has been to get the W. P. A. and the P. W. A. and the Reclamation Bureau together, and to function in an orderly way as they ought to for the purpose of helping drought-stricken areas. So that there shall be no guesswork about it, we ought to write into the law a provision that would permit farmers who are on relief to be used in doing some constructive work in eastern Montana and in North and South Dakota, in the drought-stricken area, and then to have the W. P. A. work in conjunction with the Reclamation Bureau. In that way some constructive work could be performed in this drought-stricken area.

I have never seen the amendment before. I do not know whether or not it covers the situation. I am going to ask the Senator from North Dakota [Mr. FRAZIER] if he will not withdraw it with the idea that he will not lose his right to present it later and work it out. I cannot conceive that there would be any objection on the part of the adminis-

tration to the Senator's proposal, because I know that the President has been trying to do the very thing proposed by the Senator. However, such complications exist that it is very difficult to do it. For a while it was felt that it could not be done. Then it was done at Buffalo Rapids. We worked many years on the Buffalo Rapids project before we obtained it, and when we did get it, we got it in the manner proposed by the pending amendment. We have been working on other projects which have not been carried out, but I am hopeful that they will be carried out. There ought to be something written into the law to permit that to be done.

Mr. HATCH. Mr. President, will the Senator yield? I do not want to speak in the Senator's time.

Mr. BYRNES. If the Senator will permit me to make a 3-minute statement, then I will yield.

Mr. President, the situation confronting us with reference to the amendment is as follows: The amount contained in the joint resolution for W. P. A. has been calculated on the basis of the number of persons on the relief rolls, and to provide employment for those persons it is necessary for us to appropriate the amount carried in this particular section. The amendment of the Senator from North Dakota would cause us to divert from that fund the sum of $30,000,000. It would do two things. First, it would earmark $30,000,000 for a particular use. That has not been done in the joint resolution because it was deemed impossible, in view of the many hundreds of different projects, to allocate a particular amount to any one project. If, however, it is to be done, it ought not to be done in the form in which the amendment seeks to do it, because the amendment then proceeds to have an entirely different procedure followed as to this $30,000,000.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. BYRNES. I will yield in just a moment. Whereas other funds are distributed only when there is a sponsor for a project, and the sponsor puts up part of the cost of the project, the Senator's amendment would provide an entirely different formula, and say that the work should be done upon such projects as are selected, not by the Administrator of Works Progress Administration, but by the Secretary of the Interior, and that it should be spent, not upon the payment of a contribution by the sponsor, but that it should be spent in cooperation with the Secretary of the Interior under a contract under which the Secretary of the Interior should over the next 40 years require payment of one-half of the amount—for what? For a W. P. A. project.

Utter confusion would result in having Works Progress Administration divert one-half of this amount, or $15,000,000, to a certain fund, and the other $15,000,000 to come from somewhere else, to be spent upon a project selected by the Secretary of the Interior, without regard to any sponsor's contributions, as are all other projects, and then have the cost of the project paid for over 40 years. We can easily see that such projects are on an entirely different footing from the Works Progress Administration projects.

If work is to be done on that basis, the amendment should be offered by the Senator from North Dakota to the Public Works Administration section of the bill, the work to be done under such conditions as the Secretary may believe wise. But I think it is something which would be impossible to administer under W. P. A.

Mr. WHEELER. Mr. President, let me make a suggestion to the Senator with reference to the Buffalo Rapids project. W. P. A. money was furnished for work done on certain lands and to do the rough work in connection with reclamation. The administration has wanted to work out something of that kind in the drought-stricken areas, which should be done. I did not know when I came into the Senate Chamber a short while ago that the amendment proposed to earmark W. P. A. funds. However, permission should be granted to the President of the United States or to someone—I do not care who—so that if the President should think that some relief workers could be used to perform work we will say in building a reclamation project, they could be used in that way. It would be much more beneficial and much more helpful than it would be to build some little project in some little city or some place else which is going to add nothing to our capital assets.

Mr. President, in the drought-stricken area one thing or another must be done. We are building schools and other structures there. We are not going to have any use for school houses or jails or any such buildings unless we get some water on that land. The bill should be so framed that what the President has been seeking to do can specifically be done, and so there can be no doubt about it.

Mr. BYRNES. Mr. President, the Senator from Montana has referred to the fact that the President heretofore—and correctly so—has allocated funds. That is true. But in the pending joint resolution the Congress is taking the power away from the President. It has been argued day after day that it should be done, and it is done in the joint resolution. The first section provides that money shall be appropriated to Works Progress Administration, and the next section to Public Works Administration, and nowhere does it give the President the power to transfer funds from one section to the other section. The Congress is seeking to segregate these funds. It is because of that that the amendment as drawn would make it impossible of application, and bring about endless confusion. If the money had been handed to the President in 1935, the President could have allocated $15,000,000 to one and $15,000,000 to the other. It cannot be done now, however, under the joint resolution. If the amendment is to be considered, the Senator from North Dakota should withdraw it and reframe it.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. BYRNES. I yield.

Mr. HAYDEN. In many instances money has been allocated to the Corps of Engineers to build levees. In the same areas the Works Progress Administration was seeking to find work for the unemployed. The two Federal agencies cooperated and put W. P. A. workers, paid out of W. P. A. funds, to aid in building levees. There is nothing in the joint resolution to prevent such things being done.

Mr. BYRNES. I will say to the Senator from Montana, who is very much interested in the subject, that there is nothing in the joint resolution, as I understand, to prevent or prohibit the Works Progress Administration director from adopting a project of the kind he is interested in, and going ahead and doing what he is talking about doing, provided that he uses it for relief work.

Mr. WHEELER. That is what we are asking for.

Mr. BYRNES. But if he does not use it for relief workers he cannot do it. The Senator from Montana asks for one thing and the amendment of the Senator from North Dakota another thing. The amendment pending does not ask that relief workers be given this work, but it provides for the construction of these projects, and anybody could be employed on them. If the amendment should be withdrawn, I think the purpose the Senator has in mind would be accomplished. I do not think the amendment as now framed would accomplish the desired purpose.

Mr. WHEELER. When I entered the Chamber I was not familiar with this particular amendment. However, I want to see it possible to use the relief workers on a project to be set up by the W. P. A. on reclamation projects, for example, where they could do the rough work. It ought to be possible to use relief workers for that purpose.

Mr. BYRNES. I see no reason why it should not be done.

Mr. WHEELER. I should like to see something in the law specifically authorizing it, so that there can be no question about it.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from New Mexico.

Mr. HATCH. The questions I had in mind were largely the same questions which have been propounded to the Senator from South Carolina [Mr. BYRNES]. Without any consideration of the amendment, I want to be certain that there

is nothing in the present law which would prevent the allocation of relief funds in order to be of assistance to reclamation projects.

Mr. BYRNES. Mr. President, there is no reason why the director of the W. P. A. cannot assign relief workers. As I understand, the junior Senator from Montana [Mr. MURRAY] says they are now working on such projects.

Mr. HATCH. I understand that policy has been followed. I have had conversations with both the President and the Senator from Montana. I know the President favors that program, but I do not want the present measure to contain any amendment which would prevent the continuation of that policy, because I believe such work is the most valuable sort of relief work that can be done.

Mr. HAYDEN. What the Senator has in mind is what has been done many times during the past 4 years. If there is any question about it, the joint resolution could very properly be amended to provide for such a policy. That is to say, wherever the Federal Government itself is undertaking a project of any kind which can be supplemented with relief labor, there should be nothing in the law to bar the supplemental use of such labor. If certain roadside improvements on a Federal highway can be made by W. P. A. labor, there should be nothing to prevent it. If a levee is being built anywhere with Federal funds and relief labor can supplement the work by moving earth or other materials, such work should be permitted. In building a reclamation project, or any other Federal project, it is only common sense to use these funds to expedite the normal activities of the Government in any kind of construction work. It is not my understanding that there is anything in the joint resolution now under consideration to prevent the expenditure of W. P. A. funds in that way. If there is any question about it, an amendment might very properly be drawn to authorize that kind of cooperation.

Mr. BONE. Mr. President, is it the view of the Senator from Montana [Mr. WHEELER] that the language of the joint resolution is now such that without some sort of clarifying amendment W. P. A. labor could not be used in connection with one of the reclamation projects?

Mr. WHEELER. I think the statement of the Senator from South Carolina [Mr. BYRNES] would indicate very clearly that such is the case. If there is any question about it, I think we should insert some clarifying amendment. I shall be glad to cooperate with the Senator from New Mexico in working out an amendment to clarify the language so that there can be no question about it. While the President has followed such a policy in one or two instances with reference to reclamation, at one time there was in his mind some question about it when it was first brought up. I think the Senator from New Mexico will agree with me.

Mr. HATCH. There was some question.

Mr. WHEELER. There was some question as to whether or not the President could make such use of W. P. A. funds. I first took up the question with the President in North Dakota when he was at Bismarck, and he questioned very seriously whether it could be done. Subsequently he worked out such an arrangement with respect to Buffalo Rapids. However, we ought to put in the law an amendment so that there could be no question about it, so that the President could not be criticized when he made such arrangements, and so that no one else could question his right to do so.

Mr. BONE. That objective might be obtained by very general language of some sort.

Mr. WHEELER. Exactly.

Mr. FRAZIER. Mr. President, I ask unanimous consent that the amendment which I have offered in behalf of my colleague to the committee amendment on page 3, line 8, go over for future consideration, until something can be worked out.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. BONE. May I ask the Senator from North Dakota if the general language suggested by the Senator from New Mexico [Mr. HATCH] and the Senator from Montana [Mr. WHEELER] would serve his purpose?

Mr. FRAZIER. I desire to see whether we can work out some general language, or phrase the amendment in different language.

The PRESIDING OFFICER. The Chair understands that the request is that the committee amendment, together with the amendment to the committee amendment offered by the Senator from North Dakota, shall go over for the time being. Without objection, it is so ordered.

The next amendment reported by the committee will be stated.

The next amendment was, on page 3, line 10, after the word "service", to insert "including domestic service"; and in line 11, after the word "projects", to strike out "$250,000,000" and insert "$285,000,000", so as to read:

and (3) educational, professional, clerical, cultural, recreational, production, service, including domestic service, and miscellaneous nonconstruction projects, $285,000,000.

Mr. ADAMS. Mr. President, in order to carry out the purpose of this particular amendment, I should like to insert, after the word "including", in line 10, and before the words "domestic service", the words "training for", so as to read:

Including training for domestic service.

That was the purpose of the amendment.

Let me say to the Senate that this matter was inserted at the instance of Mr. Edgar G. Brown, president of the United Government Employees, Inc., who made a very persuasive explanation to the committee of the opportunities to train young people, especially colored girls and women, for domestic service. Mr. Brown said to us that if opportunities for their training were provided, at least half a million of these young people would seek employment in domestic service, which would meet some of the problems now confronting the housewives of the country. This explanation came from a representative of the colored groups, and it impressed the committee as a very reasonable and proper suggestion.

Mr. HOLT. I should like to ask the Senator from Colorado a question about a matter which is not clear in my mind. On page 3, line 10, the language is: "including domestic service"; and in line 12, the increase is from $250,000,000 to $285,000,000, an increase of $35,000,000 over the House provision. Is it the advice of the committee that we increase the relief appropriation by $35,000,000 merely to train domestic servants?

Mr. ADAMS. No. Let me say, Mr. President, that the increase in the amount goes back to the increase in the total amount at the top of page 2. We increased the total appropriation for relief purposes from $1,250,000,000 to $1,425,000,000 in order to add 1 month to the period intended to be covered. As the joint resolution came from the House, it was intended to cover 7 months. It was decided that it was wiser to have it cover an additional month, so that $175,000,000 was added to the total appropriation, being the estimated amount necessary to carry the work for an additional month. Then, the $175,000,000 having been added, it was apportioned among the respective items into which the total was divided, so that the increase in this item is simply the proportional part of the $175,000,000 increase.

Mr. HOLT. Does the Senator have any figures showing the amount called for by the training suggested?

Mr. ADAMS. The item was inserted to make part of the money available—

Mr. HOLT. The purpose is to train cooks and housekeepers at the expense of the Federal Government?

Mr. ADAMS. That is not exactly the situation; and yet it is in part. The purpose was to provide employment to persons who are not now employed, giving them a degree of skill which would enable them to obtain positions which they are not now qualified to fill.

Mr. BONE. I take it the $285,000,000 to which the Senator from West Virginia refers covers all the categories listed under subparagraph 3?

Mr. ADAMS. Exactly. It covers educational, professional, clerical, cultural, recreational, production, service, and miscellaneous nonconstruction projects, in a very wide grouping.

Mr. HOLT. We are now entering the field of training cooks and housekeepers. All the cooks and housekeepers and home owners of America will pay the bill.

After reading the hearings, part of which I desire to read to the Senate, one's eyes are filled with tears. The purpose of this expenditure is to train housekeepers. Mr. Brown says:

> Such household workers will be the answer to the women of the Nation who demand trained cooks who know how to prepare and serve properly balanced meals in up-to-date fashion and run an American home as successfully as a man does his office and his business.

For 150 years American women have run their own homes, but now the Federal Government is to train housekeepers, cooks, and maids in order that American women may better know how to run their homes. The next thing we will find will be a desire on the part of the Government to teach women how to train their children.

I want to discuss the so-called need of millions of dollars to be paid out of the Treasury of the United States, the stated purpose of which is to feed the people on relief, yet the real purpose is to educate maids and housekeepers. I am glad to see the money go to maids and housekeepers. I would rather see it go to them than to politicians.

After the money is spent, here is what is going to happen:

> These skilled homemakers-to-be are the vanguard of a twentieth century model home, transforming its atmosphere as completely and definitely as the miracle of venetian blinds and recreation rooms do neglected attics and cellars.

I am reading from the hearings. The Treasury is going to spend money to transform these skilled workers as venetian blinds and recreation rooms would transform attics and cellars.

This is the next statement, quoting from the hearings:

> Tired businessmen—

They are going to take care of tired businessmen—those who are not driven out of business by taxation.

> Statesmen—

I suppose the word "statesmen" is used to appeal to all the Members of the Senate.

> Tired businessmen, statesmen, and shop-weary wives will experience a new freedom from household cares and come into a heavenly haven of peace and happiness.

All to be paid out of the United States Treasury. I am merely reading the statement of the man who asked for this appropriation.

This is the first instance of which I know where business has had any help from Congress for a good many years, and it is proposed to take care of the "tired businessman" by training maids so that they will not pour soup down the backs of the businessmen when it is served at dinnertime.

Then, going ahead with this statement having to do with this increased appropriation, I read this:

> This advent of trained domestics means the ushering in of higher standards as well as superior service. All this through the deft touch of these fine women now groping for the light—the chance this committee can give—to send them forth upon a career of service to the beckoning homes of the American people, forever removed from the category of public charges, and for the first time in their lives launched in the noblest service of man in every age, as well as assuring them of an abiding security.

I do not know of any way we could spend the money better than that, if the Federal Government is to train maids so that the homes of America will be cheerful once more and the "tired businessmen" may go home and meet their weary wives whose labors have been lightened by W. P. A. servants to take care of cooking the food. [Laughter.]

I have heard much about "economic royalists" here. I may be wrong; I do not know them very well; I am not acquainted with them; I come from a home that got along very well with servants that were trained in the old home town; but I really think that this proposal should make the new dealer shudder because it is a proposal to train maids to go into the homes of "economic royalists," of the "tired businessmen," and enable them, the businessmen, to enjoy a life more of ease, in order that they may plan new ways by which to beat the New Deal the following day.

Of course, taking these matters into consideration, since I have read that portion of the hearing, I am assured that the Federal Government needs to spend part of these billions of dollars to train cooks, to train nurses for the weary and "tired businessmen" and statesmen and thereby to usher in a new day.

This, I imagine, is the "more abundant life." We are coming to the "more abundant life." We are going to build the people homes, as was done at Arthurdale. Perhaps I should not mention that because of present-day circumstances; but I should have been glad if the President had told us about the cost of the homes there. When he referred to taxation he might have told us that those little homes in Arthurdale cost $15,343 apiece, the money, of course, coming out of the taxes paid by the American people. After this measure passes, he can go and say, "I have built you homes, and tomorrow I am going to provide for you trained W. P. A. servants and put them into your homes so that you may have a more abundant life in the years to come." Of course such things may appeal to some; they may be found of more importance than tracing the history of the safetypin, though I presume some of the maids will be taught how to use safetypins for the children of the "economic royalists."

Mr. President, since we are spending money on these things, and since we are now telling the people that the Government is to train servants for them, that it is going to train cooks, it may be that after a cook has had the training she will be so well versed and equipped with so much knowledge that she will be able to serve food that is not on the tables of the 12,000,000 unemployed people. When the 12,000,000 unemployed cannot raise sufficient money to pay for their own food, I should like to know how many of them can hire a W. P. A. maid. It may be that the maids can go into a handful of perhaps a hundred thousand homes of "economic royalists."

I am glad, I will say in closing, that Congress, at last, has decided to take an interest in business, and, in doing that, has undertaken to care for the "tired businessman," so that tomorrow he may figure out how to make sufficient money with which to pay his taxes after caring for the servants with which the Government has supplied him.

Mr. ADAMS. Mr. President, I am very much interested in the philosophical discussion we have heard. It seems to me that if we were to follow the theory of the Senator from West Virginia we would abandon all vocational education. We are carrying in our appropriation bills vast sums for vocational education in order that people may fit themselves for some place in life where they will be better off than they now are, and which will enable them to go off the public relief rolls. I am unable to see that it is a subject for ridicule that a colored man comes before the committee, and, with the fluency which the colored race possesses, says to the committee there are many colored girls who would be very content if they could be given some vocational education and equipped to fill the places that are now waiting for them. We equip men in other walks of life; we have all manner of vocational projects, recreational projects, theatrical projects, and others; but, for some reason or other, it seems to strike my good friend, the Senator from West Virginia, when we seek to fit a group of colored people who modestly only ask to be equipped to do useful work requiring more skill than that in which they are now employed, that the Senate of the United States, in some way, is lowering its standard; that we are only thinking in terms of those who are to be benefited by the service.

The Appropriations Committee looked upon it as they looked upon the C. C. C. camps; as it looked upon other vocational education; that we were taking an underprivileged

group and seeking to equip them for places which are awaiting them, which they can fill, and which, if the colored man told us the truth, will probably take half a million people off the relief rolls.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. ADAMS. I yield to the Senator from Arizona.

Mr. HAYDEN. The Senator will remember that the witness before the Committee on Appropriations submitted the results of a survey of the labor market for domestics in the United States, which showed vacancies in homes for domestic servants amounting to more than 400,000.

Furthermore, it was very properly pointed out that there are in the modern kitchen electric refrigerators, gas stoves, electric irons and mixers, and much other modern equipment which it takes some training and skill to operate. It was to teach the proper use of the implements that are available in the modern home that this provision was designed.

Mr. ADAMS. I will say that in this day I hope it is not necessary for a man to be an economic royalist to have a servant in his home. In my community, a railroad town, a steel-works town, the railroad engineer and the roller in the steam mill, when they have periods of employment, are anxious to take some of the burden off their families; they like to have someone to help look after their children. Those men are not economic royalists, but they are men with the kind of wages which we should like to have more of our people enjoy.

This provision involves not merely a hundred thousand; I venture to say there are a million or two million people in the United States amply able to pay, in a modest way, for domestic service, who are in need of it. It will affect the servant who comes into the house; it will affect the mistress of the house when the servant comes in. I do not mean to say more than that to explain the viewpoint of the committee, and I am sure the Senator from West Virginia understands it.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. ADAMS] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The committee amendment as amended was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the Committee on Appropriations.

The next amendment was, on page 3, line 15, after the word "classes," to insert a colon and the following additional proviso: "*Provided further*, That notwithstanding the foregoing provisions of this section, the Works Progress Administrator is authorized to set aside in a separate fund not to exceed $50,000,000 of the funds herein appropriated, to be used in emergencies for the purpose of providing relief to needy persons;" so as to read:

Provided, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 percent thereof by transfer or retransfer of an amount or amounts from any other class or classes: *Provided further*, That notwithstanding the foregoing provisions of this section, the Works Progress Administrator is authorized to set aside in a separate fund not to exceed $50,000,000 of the funds herein appropriated, to be used in emergencies for the purpose of providing relief to needy persons.

Mr. VANDENBERG. Mr. President, this amendment recognizes, for the first time, the fact that the relief problem may become too large to be dealt with exclusively by work relief.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. HAYDEN. Direct relief is not recognized for the first time, but it merely makes it possible, in this measure, to do the things the President had complete authority to do in the first relief appropriation of $3,320,000,000, and the second relief appropriation of $4,800,000,000.

Mr. VANDENBERG. Very well, let us not waste any time on ancient history; let us not speculate whether this is the first time or the last. The fact remains that it recognizes the possibility that work relief may not suffice to take care of the total relief burden confronting the country.

Mr. HAYDEN. That was true from the beginning.

Mr. VANDENBERG. It is true now. Never mind whether it was true before or not. I have only 15 minutes, or I would not be so abrupt about it. It is true now. Do we agree on that?

Mr. HAYDEN. It is true in this bill to the extent of $50,000,000.

Mr. VANDENBERG. Very well. I am glad, at least, that we have that much acknowledgement on the authority of the committee. The committee unquestionably is correct. The telegrams which I have submitted to the RECORD from the labor unions of the city of Detroit alone within the last 48 hours, asking that this amount be increased because of conditions already confronted in the city of Detroit confirm the committee in its original decision and justify me in suggesting that the amount is far from being sufficiently large.

Mr. President, the use of the money is optional, anyway. Therefore, there can be no serious objection to increasing the optional total in face of the clear indication from the larger industrial cities of the country that the problem this summer and fall and next winter cannot be met, first, by work relief under Federal auspices, and second, by general relief under local auspices alone. There must be some other source of relief. This amendment, I repeat, recognizes the possibility of that need. It does not recognize it, in the judgment of many of us, to the extent which the need inevitably will present.

I am therefore moving to amend the amendment by striking out "$50,000,000" in line 18 and substituting "$150,000,000." I repeat, it is purely a matter of judgment as to how much should be optioned to this purpose. The committee itself has admitted and conceded the necessity for designating some sum at this point. I respectfully submit that the relatively small amount actually appropriated, after admitting the need, simply succeeds in "keeping the word of promise to the ear and breaking it to the hope."

I submit the amendment.

Mr. BYRNES. Mr. President, in previous bills of course the power to spend the funds provided was placed in the hands of the President, and there was authority for expenditures for direct relief. There was no limitation upon the amount which could be spent in that manner; but we have entered upon the policy of the United States Government looking after work relief, and leaving to the States expenditures for direct relief.

This amendment was offered by me in the committee for the reason that recognizing that under the changed form of the joint resolution there was absolutely no provision for any direct relief, in my opinion this provision should be included, so that in case we should have a recurrence of the flood disasters of a few years ago, or of the drought conditions in the West, the Works Progress Administrator would have power to extend direct relief. Without this provision, it could not be done.

I should not, however, want to see the policy the Government has been following with respect to work relief changed so as to provide, as the Senator from Michigan would have us provide, $150,000,000 of this total sum for direct relief.

So far as I am concerned, I am convinced that for the present, until the Congress shall come to some conclusion as to a permanent policy, we should continue to have the appropriations of the United States Government confined to work relief, and leave to the States the appropriations for direct relief. This exception is, as it states, an emergency matter.

Mr. POPE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Idaho?

Mr. BYRNES. I do.

Mr. POPE. Was it contemplated that this emergency relief would be direct relief to the individual in the way of groceries, or whatever is needed, or would he be given work?

Mr. BYRNES. There is no restriction upon the form in which the relief is to be granted. If the Surplus Commodities Corporation should purchase commodities they could be distributed only by the Works Progress Administration organization or by establishing a new organization. No one wants to establish a new organization. The W. P. A., having an existing organization, may use those commodities and distribute them; but if they are to distribute them, they must have some authority, some appropriation other than that which is specifically provided for work relief, as distinguished from direct relief.

Mr. POPE. So that under this provision, if there were a drought and the farmer were put to digging a well or doing any work of that sort, this provision would cover it?

Mr. BYRNES. If there is a drought, under this language they could let the farmer dig a well; or, if he needed food, they could give him food; or, if he needed shelter, they could give him shelter, or do whatever was necessary in an emergency. That is the purpose of the provision.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG] to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the original amendment reported by the committee.

The amendment of the committee was agreed to.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation.

The amendment on page 2, lines 3 and 4, was passed over so as to permit the total to be fixed in accordance with the amendments on page 3. One of the amendments on page 3 has gone over, so the Senate cannot take up at this time the amendment on page 2, lines 2 and 3. The amendment, therefore, will be again temporarily passed over.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. VANDENBERG. When the Senate has finished with the committee amendments to title I, will a substitute for title I be in order, or must the Senate first complete the committee amendments to the entire joint resolution?

The PRESIDENT pro tempore. The order provides that all committee amendments must first be acted on. If there are committee amendments in other titles, therefore, they will first have to be acted on.

Mr. BYRNES. Mr. President, during my absence from the Chamber paragraph (1) was completed. I ask permission to offer two pro forma amendments as to language. I send the first one to the desk and ask to have it stated.

The PRESIDENT pro tempore. The amendment offered by the Senator from South Carolina will be stated.

The CHIEF CLERK. On page 2, line 14, after "1937", it is proposed to strike out the comma and insert "and the joint resolution of March 2, 1938."

Mr. BYRNES. That is simply to correct an error on the part of the draftsman.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from South Carolina.

The amendment was agreed to.

Mr. BYRNES. I send to the desk another amendment which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 3, line 10, after the word "including", it is proposed to insert "training for".

Mr. McKELLAR. Mr. President, that amendment has already been agreed to.

Mr. ADAMS. That amendment was adopted sometime ago.

Mr. BYRNES. I told the Senator from Colorado I desired to offer the amendment; but I was absent from the Chamber, and did not know what had been done.

Mr. McKELLAR. That amendment has already been agreed to.

Mr. CONNALLY. Mr. President, may I ask the Senator from Colorado whether the amendment on page 3, line 4, was adopted?

Mr. ADAMS. No; the amendment was rejected after being amended.

The PRESIDENT pro tempore. The next amendment reported by the committee will be stated.

The next amendment was, on page 4, line 1, after the numerals "1937", to insert "and the joint resolution of March 2, 1938", and in line 8, after the word "obtain", to strike out "employment and to provide financial assistance through part-time employment on such projects for" and insert "employment, and to enable", so as to read:

(2) To the Works Progress Administration for the National Youth Administration, $75,000,000, together with the balances of allocations heretofore made or hereafter to be made to the Works Progress Administration for the National Youth Administration under the Emergency Relief Appropriation Act of 1937 and the joint resolution of March 2, 1938, which remain unobligated on June 30, 1938, and such sums shall be available to provide, subject to the approval of the President, on projects of the types specified under (1) (d) hereof for the Works Progress Administration, part-time work and training to needy young persons who are no longer in regular attendance at school and who have been unable to obtain employment, and to enable needy young persons to continue their education at schools, colleges, and universities;

The amendment was agreed to.

The next amendment was, on page 4, line 15, after the numerals "1937", to insert "and the joint resolution of March 2, 1938", so as to read:

(3) To the Secretary of Agriculture, $175,000,000, together with balances of allocations heretofore made or hereafter to be made to the Farm Security Administration under the Emergency Relief Appropriation Act of 1937 and the joint resolution of March 2, 1938, which remain unobligated on June 30, 1938, and such sums shall be available for administration, loans, relief, and rural rehabilitation for needy persons;

The amendment was agreed to.

The next amendment was, on page 4, line 24, after the numerals "1937", to insert "and the joint resolution of March 2, 1938", so as to read:

(4) To the Department of the Interior, Puerto Rico Reconstruction Administration, $6,000,000, together with the balance of allocations heretofore made or hereafter to be made to such Administration under the Emergency Relief Appropriation Act of 1937 and the joint resolution of March 2, 1938, which remain unobligated on June 30, 1938, and such amounts shall be available for administration, loans, and rural rehabilitation for needy persons and for Federal and non-Federal projects of the type specified for the Works Progress Administration under limitations (1), (2), and (3) of (1) (d) hereof;

Mr. CLARK. Mr. President, what does this amendment represent?

Mr. ADAMS. Mr. President, this amendment, like the one at the top of page 4, is for the purpose of carrying over and making available for the current year and the coming year the unexpended balances of similar appropriations for preceding years.

Mr. BYRD. Mr. President, will the Senator from Colorado state the amount of the balances?

Mr. ADAMS. I cannot give the exact figures; but according to my recollection, at the time of the hearings there was available some three-hundred-and-odd million dollars of all these unexpended balances for relief purposes, all of which and more, will be expended before the end of the fiscal year.

Mr. BYRD. Can the Senator advise the Senate how much of the unexpended balances will be available for expenditure after July 1?

Mr. ADAMS. I cannot.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee on page 4, line 24.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 5, line 13, after the word "warrants", to strike out "$2,000,000" and insert "$8,000,000 for administrative accounting"; in line 15, after the word "Department," where it occurs the first time, to strike out "$12,050,000" and insert "$18,050,000"; and in line 16, after the figures "$325,000" and the semicolon, to strike out "and (d) Department of Labor, United States Employment Service, $1,500,000", so as to read:

(5) To the following agencies for administrative expenses incident to carrying out the purposes of this title: (a) General Accounting Office, $4,180,000; (b) Treasury Department: Procurement Division, Branch of Supply, $5,500,000; Division of Disbursement, $3,500,000; Office of the Treasurer, $750,000; Secret Service Division, $300,000; Office of Commissioner of Accounts and Deposits and Division of Bookkeeping and Warrants, $8,000,000 for administrative accounting; total, Treasury Department, $18,050,000; and (c) Department of Commerce, Bureau of Air Commerce, $325,000.

Mr. CLARK. Mr. President, will the Senator in charge of the bill explain the amendment on line 13, page 5?

Mr. ADAMS. I will say to the Senator from Missouri that in the main the bookkeeping for the W. P. A. has been done by the Treasury Department. That is, the accounting and the preauditing has been done by the Treasury Department. The Treasury Department has assigned Treasury employees to all the State headquarters or the W. P. A., and they have handled this work.

The House evidently concluded that it was desirable that the W. P. A. should take over this work and do it itself, and that the Treasury Department should no longer do the bookkeeping and the accounting for the W. P. A. Therefore the House reduced the amount from $8,000,000, which was necessary if that was to be done, to $2,000,000, which would be only enough to carry on routine matters. It was the opinion of the Senate committee, after going into the matter with some care, that it would be wise to allow the bookkeeping and the accounting of the W. P. A. to be done by the Treasury Department, rather than to leave it to be done by officers to be set up by the W. P. A. itself. That is, the W. P. A. would have had to set up its own accounting and bookkeeping system.

Mr. CLARK. Mr. President, the Senator has spoken of $2,000,000 and $8,000,000. As I read the figures, they are $12,000,000 and $18,000,000.

Mr. ADAMS. No; that is the total. The change is from $2,000,000 to $8,000,000, and the increase of the total for all these agencies is from $12,000,000 to $18,000,000.

Mr. CLARK. Am I to understand that this amendment provides for restoring the accounting system to the Treasury Department?

Mr. ADAMS. It continues what is now being done.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment reported by the committee.

The next amendment was, on page 6, line 2, after the word "Council", to strike out "$250,000" and insert "$850,000", so as to read:

(7) To the following agencies for administrative expenses: (a) National Emergency Council, $850,000—

And so forth.

Mr. WHEELER. Mr. President, I notice that the National Emergency Council is referred to here, and $250,000 was appropriated for it by the House. The Senate committee has recommended increasing the amount to $850,000. Why is it proposed to raise the amount to $850,000?

Mr. ADAMS. We had rather extended hearings on the matter, and considerable discussion in the committee, and the committee concluded that the work being done by this agency was worth while and ought to be continued; that fixing the appropriation at $250,000 would be equivalent to eliminating the agency, and that the amount of work of various kinds which was being done, and which is not all clear in my mind now——

Mr. WHEELER. It is not clear in anyone's mind as to what they are doing.

Mr. ADAMS. I have been following the discussions on the floor as to various matters, and some of the multitudinous details have escaped me, but this Council does perform useful service in many States in coordinating the various governmental agencies in the States. It is an agency for gathering information which is really of value. It carries on a contact organization, to contact agencies throughout the States and with Washington, and we concluded, not without difference of opinion, that the agency ought to be continued, and that if it was to be continued, this amount of money would be required.

Mr. WHEELER. I should like to know from someone what valuable service this National Emergency Council performs. At the present time there is no director in my State. We did have one, but now a young lady is doing the work.

Mr. ADAMS. We had before us the director, Mr. Mellett, who used to be with the Scripps-Howard Syndicate, and Mr. Leggett, who has been an active man for some years in the conduct of the business.

Mr. WHEELER. I know Mr. Mellett, and I have a very high regard for him. He is a very fine man. But heretofore the principal business of the National Emergency Council has been politics in most places. They have had meetings, and have called the people together, but so far as their work of coordination in the States is concerned, I have yet to find anyone who says that work in his particular State has been of any consequence whatever.

A Senator seated at my right says that I am correct in that, and every Senator with whom I have spoken has stated that, so far as the National Emergency Council in his State is concerned, up to date it has not been of any real service.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BANKHEAD. I do not want the Senator's statement to be construed as indicating that there is no member of the Senate who does not disagree with him on that subject. A year or two ago I attended a meeting in my State, called by the State director of the National Emergency Council. There were representatives there from all of the Government agencies, from the Federal Reserve bank down the list. There were very full reports from all of the representatives of the activities of those agencies, as to the work they had done, and the accomplishments, if any; and there were accomplishments in most of them. I spent the day listening to those reports, which were most interesting and instructive, and which certainly manifested a great degree of diligence on the part of representatives of these departments. So far as politics is concerned, I am sure that the director in Alabama has taken no part in any political campaign.

Mr. WHEELER. I am very glad to hear someone make such a statement.

Mr. McKELLAR. Mr. President, I wish to join the Senator from Alabama and state that my experience has been exactly the same as his. I have attended meetings called by this organization, and I think they do a valuable work in coordinating the work of the several departments in the States. I know that has been the result in my State. The head of the organization in my State is Mrs. Amy B. Miles, who takes no part in politics, and who is a splendid coordinator.

Mr. WHEELER. I am glad to hear the Senators say that the directors in their States take no part in politics.

I desire now to quote from an Associated Press dispatch appearing in this morning's paper from Des Moines, Iowa. Among other things it states:

Meanwhile the string of Federal endorsements for Representative WEARIN was kept going by I. T. Jones, executive assistant of the Iowa National Emergency Council. Jones asserted President Roosevelt "should have the right to define and have voice in the election of the men he needs to assist him."

"It develops that OTHA D. WEARIN is preferred for the senatorial post. Therefore, the good soldier will say: 'I am for WEARIN,'" he added. The Council coordinates the activities of Federal agencies operating in Iowa.

Mr. President, I am reliably informed that this man, Col. I. T. Jones, was registered as a Republican in the Smith campaign, that he changed his registration from that of a Democrat to that of a Republican, that he wrote articles against the Democratic candidate, and joined the Republican group in fighting Governor Smith.

Whatever one's views may be with reference to Governor Smith, I was one of those who went out and fought for him, and supported him, and campaigned for him, as did the Senator from Nebraska [Mr. NORRIS], and pretty nearly every other liberal in the country at that particular time. But this man not only registered as a Republican, because of Mr. Smith's religious views, I am told, but likewise wrote articles referring to the Democratic candidate for President as "Alcohol Smith," or something of that kind.

That is the kind of an individual who is telling the voters of Iowa how they should vote. He says:

OTHA D. WEARIN is preferred for the senatorial post. Therefcre, the good soldier will say: "I am for WEARIN."

The President has specifically and definitely stated, as quoted in the newspapers, that he is not taking part in these various primaries. Yet we find this man saying that the President should have to assist him in the Congress of the United States those whom he wants.

Let us examine something of the record and see whether or not a man is to be punished after having stood here and fought the battle against the great corporations of this country as has the Senator from Iowa [Mr. GILLETTE]. When the utility holding bill was before the Congress the Senator from Iowa fought and battled for it. He not only fought for the bill, but he fought to keep the "death sentence" provision in the measure. That was the one battle in which the President of the United States was more interested than in any other legislative contest which had taken place up to that time in the Congress.

The bill passed the Senate by one vote, and everyone knows the kind of a fight that was made against it by the great utilities. The one thing to which they were most opposed was the "death sentence" provision, and it took a great deal of courage to support it, because many of the Democratic leaders in the House of Representatives were not for the "death sentence" provision and were not for the holding-company bill itself, but the Senator from Iowa, as a Member of the House of Representatives, battled for it and voted for it.

In addition to that, while a Member of the House the Senator from Iowa voted for practically every other piece of legislation that was advocated by this administration. But because he did not go along with them on one piece of legislation, they set out to punish him. And who are the men doing it? It is not Mr. Farley, as I pointed out the other day, it is not the President of the United States, it is not the Secretary of Commerce, it is not the Secretary of Agriculture, but I am informed that my good friend, Tommy Corcoran, is one of the boys who took a trip recently to Iowa to tell the Iowa boys what they should do to the Senator from Iowa. Tommy should be in better business than that, because he was the one man who was working on the utility holding-company bill; he was the one man who was working to carry out the orders of the President; he was the one man who was around interviewing Senators and Representatives; he was the one man who assisted me in that matter.

After the Senator from Iowa most actively supported the utility holding-company bill, they would enter the Democratic primaries in his State and stick a knife in his back. And this after he has incurred the bitter enmity of the powerful utility interests in his fight for the President's utility program.

Who is doing that? Not the President of the United States, because the President has said he is not taking any hand in the primaries; not the Cabinet officers, except Mr. Ickes, but rather this little group who have taken upon themselves to control and to dominate the Democratic Party of this Nation. If they would do this to a man like the Senator from Iowa [Mr. GILLETTE], what will they do to the rest of the Senators if they disagree with them on one matter?

Those men are destroying the Democratic Party. I think I know something about Iowa, because I have campaigned in that State many times. I have covered the State very thoroughly. Mr. President, you can bet all the tea in China that if Mr. WEARIN shall be nominated and the Senator from Iowa [Mr. GILLETTE] shall be defeated in the primary, Iowa will go Republican. That may be what the opponents of the Senator from Iowa desire, and, in my judgment, that is what will happen in Iowa. There will be a like result in many other States if some of these pseudo liberals who know nothing of politics, who have never fought a political battle in their lives, who have never had to go out on the battle line, are going to be able to say to a Senator, "Unless you bend the knee to every single thing I want, I am going into your State and line up all the relief agencies against you."

Mr. President, that is a serious thing. We are now voting money to take care of the needy. Are we voting it for the needy or are we voting it for the politician? Are we giving it to agencies for the purpose of helping the needy, or are we giving it to them so that they can crack a whip over some of these unfortunate persons, this one-third of our population underfed and underprivileged? Are we doing it so that they can go out and make the farmers, who are going to get checks, and in effect say to them, "Unless you do line up you do not get any more checks"?

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. AUSTIN. I shall occupy but a minute. I would like to have the Senator know that I have drafted an amendment to the joint resolution, which I intend to offer, providing that—

No part of any appropriation in this act shall be used for any political purpose, and no authority conferred by this act upon any person shall be exercised or administered for any such purpose—

And defining specially the acts which will be crimes or misdemeanors, and fixing the penalty therefor. I hope a sufficient number of Senators will support that amendment and attach it to the pending measure.

Mr. WHEELER. I understand the Senator from New Mexico [Mr. HATCH] has offered some sort of an amendment of that kind.

Mr. HATCH. The Senator is speaking in limited time, and probably would not want me to discuss it now.

Mr. WHEELER. I prefer that the Senator take it up afterward. I understand the Senator from New Mexico has offered an amendment of that kind. We all must know that men who are appointed to these various positions are bound to take some little interest in politics. I have no objection to that. What I have objection to is that men who are put in a position of trust, men who are supposed to take care of and feed the needy should use their positions in dealing with unfortunate people for the purpose of punishing a Senator of the United States.

I have been particularly interested in the Senator from Iowa [Mr. GILLETTE], because I know what he stood up under in the House. All Senators know the pressure that was put upon Senators as well as Representatives when the utility holding-company bill was under consideration. They know that the man who stood up and fought it incurred the enmity of the powerful utility interests of this country. Then after having incurred that enmity in a battle for the President of the United States, after having stood up and fought that battle, the boys are now out trying to stick a knife in his back.

Mr. President, I say they ought to be ashamed of themselves when they undertake anything of that kind. They ought to stop such procedure, and it must stop if the Democratic Party is not to be destroyed in 1938 and in 1940. If it is not stopped, if this money is going to be used for political purposes, then the Democratic Party, of course, ought to

lose, because the American people are not going to tolerate it. Senators can put that down in their books.

In my judgment there is too much independence in the minds of the men who are on relief to be controlled for any considerable time by tactics of that kind.

Mr. President, I am not one of those who dislike Mr. Corcoran. I personally have a very high respect for his ability and for his intelligence. But I sincerely think that he and that little crew are doing a disservice to the Democratic Party, and they are doing a disservice to the President of the United States, and they are doing a disservice to this country when they seek to use and to have the heads of various Government agencies use those agencies for the purpose of trying to line up votes against a Member of this body.

I speak with some feeling upon this matter because of the fact that those who went into the battle in the utility holding-company bill with me and those who stood up in that fight know something of what it took to stand up, and they know something of the pressure that was put on them.

Mr. President, I went to a certain Senator who lined up on that bill, and I asked him to try and get the Representatives of his State to vote in the same way. He said, "No. I am able to take care of myself, but the administration is opposed to me and will oppose those Representatives, notwithstanding the fact that they stand up and fight for the administration's measure."

Mr. BURKE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. BURKE. Does the Senator from Montana think that all of the pressure in the utility holding-company fight and the "death sentence" matter was on one side, and that those who were strong enough to resist that pressure, as the Senator from Iowa did, are the ones who are entitled to all the credit? It is not rather than the Senator from Iowa voted then in accordance with his conviction, as he saw the matter, which is deserving of full credit?

Mr. WHEELER. There is not any question about that. Of course, there was pressure put on Members of Congress—and I helped to put it on wherever I could—to try and get votes for the utility holding-company bill. I tried to put on all the pressure I could, with the administration's help, to pass that bill. But Senators who voted their convictions and voted with the administration on that bill ought not to be stabbed in the back.

Mr. BURKE. I agree with the Senator fully; but it seems to me that he ought to place the emphasis rather on the fact that the Senator from Iowa voted his convictions rather than that he voted a certain way on a particular bill.

Mr. WHEELER. I think the Senator is correct. I think the Senator from Iowa voted his convictions in that case, in just exactly the same way as I think he voted his convictions with reference to the Court bill, and just as I think he votes his convictions on every other piece of legislation that comes before the Senate. Simply because a Senator disagreed with me with respect to the public-utility holding-company measure, I would not for 1 minute feel that he did not vote his convictions. There was an opportunity for an honest difference of opinion with reference to that legislation and the question of its constitutionality. I thought it was constitutional. I thought it was a good bill. There are others who were just as honest in their conviction and in their views as I was in mine who differed with me. But I should not want to see the administration punish a man simply because he had an honest difference of opinion with the administration.

Mr. President, I want to call another matter to the attention of the Senate. Some figures have been given with reference to the election of Representative WEARIN of Iowa. In 1932 he was elected by a majority of 12,898 votes. In 1934 he was elected by a majority of 3,887 votes. In the last election he was elected by a majority of 1,564 votes. That is not anything against Representative WEARIN at all. But it does go to show, in my judgment, what will happen in the State of Iowa unless there shall be an end to the strife which has been stirred up by people who have never been known as Democrats, who have never been associated with Democrats, and particularly by a man who bolted Al Smith, not because of difference of opinion, but, I am told, because of Al Smith's religious views.

It is none of my business, Mr. President, how the voters of Iowa vote, but I cannot conceive of the decent people of the State of Iowa permitting some of these young men from Washington, D. C., or from New York going out there and telling the people of that State whom they should elect and whom they should not elect.

Mr. HATCH. Mr. President, the Senator from Montana referred in his address to an amendment which I expect to offer to the pending bill. I do not at this time care to enter into a discussion of that amendment, but in view of the fact that the Senator has mentioned it, I want to advise Senators who are present as to what the amendment contains, and what its purpose is, although I expect later, when the amendment is offered, to speak more at length upon it.

I have an amendment which I prepared some weeks ago, Mr. President. It does not arise because of anything that happened recently in any State, but is the outgrowth of certain convictions I have held for a long period of time.

In connection with the present joint resolution, I asked the legislative drafting service of the Senate several weeks ago to take the rules of the Civil Service Commission insofar as political activity on the part of civil-service employees is prohibited, and to draft the same identical provision as an amendment to this measure. The effect of the amendment which I will offer is to make applicable to all persons receiving pay from funds appropriated by authority of this measure the same rules which now prohiibt political activity on the part of civil-service employees.

At a later time, when the amendment is reached, I hope to offer some further observations upon the general subject.

Mr. AUSTIN. Mr. President, I am not in competition with the Senator from New Mexico on this point, as the amendment which I propose to offer differs in some respects from his. However, I feel it is important enough to have the Senate consider it, and I ask unanimous consent at this time to have printed in the RECORD at this point the amendment which I propose to offer tomorrow. It has previously been presented, and ordered to be printed and to lie on the table.

There being no objection, the amendment was ordered to lie on the table, to be printed, and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. AUSTIN to the joint resolution (H. J. Res. 679) making appropriations for work relief, relief, and otherwise to increase employment by providing loans and grants for public-works projects, viz:

On page 29, after line 24, insert the following:

"SEC. —. (a) No part of any appropriation in this act shall be used for any political purpose, and no authority conferred by this act upon any person shall be exercised or administered for any such purpose.

"(b) It shall be unlawful for any person whose compensation, or any part thereof, is paid from funds appropriated by this act to use or threaten to use his official authority, or influence for any of the following purposes:

"(1) To interfere with, restrain, or coerce any individual in the exercise of his right to vote at any primary or other election;

"(2) To encourage or discourage membership in, or contribution to, any political party by discrimination, threatened or executed, in regard to the granting or withholding of benefits, or the execution of any of the powers, functions, or purposes, included in this act;

"(3) To discriminate against any person in regard to benefits from the United States because such person has filed charges or given testimony with respect to any matter arising under this act;

"(4) To discriminate against any individual in regard to benefits from the United States because such individual has voted at any election according to his free choice, or because such person is a member of, or has made contributions to the political party of his own choosing; or

"(5) To discriminate against any corporation in regard to benefits from the United States because any officer or director thereof is a member of, or has made contributions to, the political party of his own choosing.

"(c) It shall be unlawful for any person whose compensation, or any part thereof, is paid from funds appropriated by this act,

to act as election official, ballot clerk, or watcher, or in any other similar capacity, at any polling place in any primary or other election.

"(d) It shall be unlawful for any person whose compensation, or any part thereof, is paid from funds appropriated by this act, to solicit, persuade, or induce, by the exercise of his power to administer, supervise, regulate, or otherwise put into effect, this act or any part thereof, contributions to a political party, or any agency thereof, for any purpose whatsoever.

"(e) Any person who violates any provision of this section shall be punished, if such person is an individual, by a fine of not more than $5,000, or by imprisonment for not more than 3 years, or both, and in all other cases, by a fine of not more than $25,000."

Mr. CLARK. Mr. President, I should like to have the attention of the Senator from Colorado, the chairman of the subcommittee in charge of the bill. He said a few moments ago that the Appropriations Committee raised the authorization of the National Emergency Council from $250,000 to $850,000, an increase of considerably more than 3 to 1, because of the important services which have been performed and are to be performed by that Council.

Mr. President, I should like to have the Senator from Colorado in my time explain exactly what the valuable services of the National Emergency Council have been. So far as my observation has gone, I have never seen any valuable services performed by that National Emergency Council, or a service that is worth a 10-cent piece. I do not believe any Senator can stand on this floor and justify the appropriation or the authorization of money for that agency, in view of its past experience. I challenge any member of the Appropriations Committee to show what the value of their services has been. I should like to hear from the chairman of the subcommittee in charge of the bill.

So far as the matter of the appointment of these men is concerned, the representative in Missouri of the National Emergency Council was appointed on my recommendation. He is an excellent young man. However, I have never been able to find out exactly the functions he has performed. On one occasion I attended a regional meeting, called on another subject by the President of the United States, at which the President of the United States was present in person. After the meeting was over I sat around most of the afternoon with the representatives of the National Emergency Council. We did not talk anything except politics. I never did discover exactly what the activities of the National Emergency Council were.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. WHEELER. In my State, the gentleman who was originally appointed was appointed at my suggestion. He spent most of his time preparing to run for public office, and subsequently did run for public office. I suggested to him that when he became a candidate he would have to resign and could not hold the office. However, so far as the agency doing any good in my State is concerned, it is a joke. There is a girl in the office now. I think she is just as good as anybody, but she does not do anything, and she cannot do anything. There is nothing to do.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CLARK. If the Senator will permit me to continue for just a moment, I shall be glad to yield to him later.

I do not think anybody will deny the statement that the National Emergency Council was originally set up as a coordinating agency among a number of new, untried governmental agencies. When the National Emergency Council was first set up, one of the very ablest and finest men who has ever been associated with this administration, Mr. Frank Walker, formerly of Montana and now of New York, was appointed at the head of it. With all his great ability, Mr. Walker found that he could not function as a coordinator of the various governmental activities through the machinery which was set up. The whole machinery had been set up on the basis of Mr. Walker, as a great, able executive, being able to act as coordinator. The agencies have been maintained in every State ever since Mr. Walker's retirement.

According to the statement made by Col. I. T. Jones, which the Senator from Montana [Mr. WHEELER] read a little while ago, the National Emergency Council has reached its lowest level. Unless some showing can be made as to the benefit of its activities, and unless some justification can be given by the Senate committee for increasing the figure in the House provision from $250,000 to $850,000, I cannot, to save my soul, see any sense on the face of the earth in the Senate more than trebling the estimate of the House of Representatives.

Mr. McKELLAR. Mr. President——

Mr. CLARK. I should yield first to the Senator from South Carolina [Mr. BYRNES], who asked me to yield a moment ago.

Mr. McKELLAR. While the Senator is waiting, will the Senator tell me whether he knows Mr. Mellett, the present administrator?

Mr. CLARK. I am not personally acquainted with Mr. Mellett.

Mr. McKELLAR. He is a man of the very highest character and standing.

Mr. CLARK. I have heard that stated.

Mr. McKELLAR. He is a newspaper man of great ability. He appeared before the committee and testified. He made out an excellent case for the continuation of this project.

Mr. CLARK. Mr. President, I have yet to hear the Senator from Colorado, the Senator from Tennessee, or anybody else stand on the floor and tell what was the excellent case which Mr. Mellett made out. If there is any reason why the House of Representatives was wrong in recommending an appropriation of $250,000 and the Senate committee was right in raising the amount to $850,000, I have not known the Senator from Tennessee, the Senator from Colorado, the Senator from South Carolina, or any other member of the committee to be tongue-tied. Why can they not stand up and explain the reason why the increase is justified, instead of saying that Mr. Mellett, who is an excellent man, recommends it?

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. WHEELER. I know Mr. Mellett. He is a personal friend of mine, and a very high-class gentleman.

Mr. CLARK. I understand such is his reputation, and I am prepared to believe it. However, I should like to find out on what Mr. Mellett bases his recommendation.

Mr. WHEELER. Mr. Mellett has just been appointed to the office. When it comes to raising the appropriation from $250,000 to $800,000, I see no excuse for it.

Mr. HAYDEN. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. HAYDEN. There is a perfectly logical explanation. It is because that is about the amount which is being expended during the current year. It is the amount submitted in the Budget estimate. That amount of money is required to maintain the organization for 1 fiscal year, as it now stands.

Mr. CLARK. Then why drag in Mr. Mellett?

Mr. HAYDEN. If the amount is limited to $250,000 there will be general dismissals of the personnel. If it is the desire of the Senate to wreck the service the amount of money should be cut to $250,000. If it is desired to maintain it as it is this appropriation is necessary.

Mr. CLARK. Mr. President, the Senator from Arizona has entered the discussion. Can he explain exactly what benefit to the Federal Government the National Emergency Council has rendered?

Mr. HAYDEN. It is possible to obtain 48 different kinds of testimony from 48 different States with respect to the National Emergency Council. In most of the States there have been very able administrators, and the service has been entirely satisfactory.

Mr. CLARK. Satisfactory in what respect? What have they done?

Mr. HAYDEN. In coordinating the work of the various Federal agencies.

Mr. WHEELER. I venture the assertion that no instance can be shown where they have coordinated the work in any

community or the work in any State in the Union. They get together and hold meetings, but so far as coordinating the work of the various agencies is concerned, and saving the Government a nickel, it cannot be shown.

Mr. HAYDEN. That fact is perfectly easy to demonstrate.

Mr. WHEELER. I should like to see it demonstrated.

Mr. CLARK. I am glad to yield to the Senator from Arizona for the purpose of demonstrating, in any single State, where this service has been worth while.

Mr. HAYDEN. The Senator from Montana said that a very able man was originally appointed in his own State.

Mr. WHEELER. I did not say he was an able man. I said he was appointed at my suggestion. [Laughter.]

Mr. HAYDEN. The Senator would not suggest any appointee who was not able.

Mr. CLARK. Mr. President, I think I still have the floor.

Mr. HAYDEN. Congress has granted broad authority to the Public Works Administration, to the Works Progress Administration, the Resettlement Administration, and to the Civilian Conservation Corps. Various other Federal agencies are spending large sums of money. If the representatives of all such agencies in each State are called together periodically and inquiry is made of them as to what they are doing, duplication of effort is bound to be disclosed.

Mr. CLARK. Let me ask the Senator from Arizona a question. To what extent does the Senator think the representative of the National Emergency Council has control over the various agencies?

Mr. HAYDEN. He brings them together at regular times in each State, to ascertain what work they are doing. His function is to determine whether duplication exists and, if it does, to stop it.

Mr. CLARK. Would the Senator consider it a part of the duty of the National Emergency Council in the State of Iowa to give out a statement that "All good soldiers," as the phrase was used, was going to support a certain candidate for the United States Senate? Is that part of the coordination provided for in the appropriation act?

Mr. HAYDEN. I can very plainly see that the Senator objects to this appropriation for other reasons than that of coordination.

Mr. CLARK. I will say to the Senator from Arizona that the only purpose I have ever observed for the National Emergency Council is a political purpose. If the Senator can show me, for example, any service which Col. I. T. Jones has ever rendered in Iowa, except trying to coordinate support in the Democratic primaries, I shall be glad to have him do so.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. BANKHEAD. What office does this man Jones hold?

Mr. WHEELER. He is the director in Iowa of the National Emergency Council.

Mr. BANKHEAD. Not if I read the newspapers correctly. He is secretary.

Mr. CLARK. He is the director of the National Emergency Council in the State of Iowa. I can testify to that of my own knowledge.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Tennessee.

Mr. McKELLAR. I quote from the testimony of Mr. Eugene F. Leggett, who has been the executive officer of the National Emergency Council.

Mr. CLARK. He is a very excellent gentleman. I am very well acquainted with him.

Mr. McKELLAR. He is a splendid man, as we all know.

Mr. CLARK. I am sure he is. I think the Government might employ him in more useful service.

Mr. McKELLAR. I read from the testimony of Mr. Leggett:

> From time to time they have asked us for special studies of various things. For instance, during the drought, Resettlement and the Farm Credit Administration, the various agencies involved there, asked us to prepare weekly reports on everything that was going on in the entire drought area. That was an extremely emergency operation, and they were not able—their men were so busy themselves actually caring for drought-stricken people that they were not able to check up to see whether there were people that were being forgotten.

Mr. CLARK. Mr. President, may I ask the Senator what became of those reports?

Mr. WHEELER. Who made that statement?

Mr. McKELLAR. Mr. Leggett made those reports to Mr. Hopkins and to Mr. Ickes.

Mr. CLARK. May I ask the Senator from Tennessee what became of those reports?

Mr. McKELLAR. He made them, and they were filed with the P. W. A. Administrator and the W. P. A. Administrator.

Mr. CLARK. I am personally acquainted with at least a dozen of the National Emergency Council representatives, and I can state that none of them has the ability or the personnel to make the kind of investigation described of drought conditions.

Mr. McKELLAR. I know perfectly well that they not only have held regular stated meetings but they have called meetings throughout my State which have been attended by representatives of the Bureau of Internal Revenue, the W. P. A., the P. W. A., and other Federal activities. They meet and discuss their mutual problems. The National Emergency Council is of immense value to the organizations and the people it is undertaking to serve.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. WHEELER. I think I know something about the drought area. Eastern Montana has been the heart of it. If any man from the National Emergency Council knows anything about the drought situation in North Dakota, South Dakota, or Montana, except what has been furnished him by someone else, I do not know who it is. A check-up has never been made by the National Emergency Council. As a matter of fact, the W. P. A. has not made such a check up, except when we went over the State and urged them to come with us. Nobody else had done so. Certainly, the National Emergency Council never did anything of the kind.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Georgia.

Mr. RUSSELL. I merely wish to say that so far as my State is concerned, the director of the National Emergency Council in that State has, I think, rendered a real service in conducting the meetings of the various Government agencies. The salaries have not cost the National Government—well, of course, he does have an assistant who draws a nominal salary.

Mr. CLARK. Does the Senator from Georgia mean to say that the National Emergency Council representative does not draw a salary?

Mr. RUSSELL. That is true in over half the States. The head of the National Emergency Council is the head of some other agency—the Federal Housing Administration, or the Reconstruction Finance Corporation, and so forth. The State of Missouri is one of the few States where the National Emergency Council director draws a salary, and I observe that he draws the very handsome salary of $6,000 a year.

Mr. CLARK. That is entirely true.

Mr. RUSSELL. But in most of the States the director does not draw any salary at all.

Mr. CLARK. Is the Senator advised as to the salary drawn by Col. I. T. Jones, the political dictator of the State of Iowa?

Mr. RUSSELL. No. I wish to point out, however, that on the 19th day of May the representatives of the National Emergency Council were very closely examined before the Appropriations Committee. They were asked to file a report showing the name of every employee in every State of the Union. The employees for Iowa apparently are one Mr. John J. Hughes, who is the State director, and one Miss Ruth W. Bailey, secretary. The name of I. T. Jones does not appear as having been employed in the State of Iowa as of May 19, 1938. This list was submitted by Mr. Mellett and Mr. Leggett,

who appeared before the subcommittee to present the need for appropriations for the National Emergency Council.

I may say that not only does the National Emergency Council do this work in the field, having representatives who usually are at the head of one of the Federal agencies there who attempt to coordinate the work, but it also performs services here in Washington. It is the only agency of the Government that has a complete list of the names and addresses of all the employees of the Federal Government.

Mr. CLARK. That undoubtedly would be a fine mailing list in a political year.

Mr. RUSSELL. I have found it most helpful in my own office in locating various employees of the Federal Government and the agencies for which they were working.

Mr. CLARK. I can understand the value of that list in a campaign year.

Mr. RUSSELL. In addition to that fact, the National Emergency Council has what is called a press intelligence bureau, or a clipping service. Lest the Senator, who seems to have some doubts about the advisability of this item, may say that that is a duplication, I will state that it was testified before the committee by Mr. Mellett and Mr. Leggett that they created the press intelligence bureau to cut these clippings, and did away with the clipping bureaus of a large number of Departments, and therefore worked a real economy in the expenditure of Federal funds.

Mr. CLARK. Did they submit a list of the Departments in which the newspaper men employed were cut out, and the press clipping bureaus were cut out? That would be very interesting. I think that is one of the most hopeful signs in connection with this matter. That might justify the whole National Emergency Council.

Mr. McKELLAR. Mr. President, here is a list of the entire matter, on page 298 and following of the hearings before the Senate committee; and I want to call the Senator's attention, if I may——

Mr. RUSSELL. I merely wish to complete my statement.

Mr. McKELLAR. I beg the Senator's pardon.

Mr. RUSSELL. I wish to say that the reason why the Senate committee increased the funds for the National Emergency Council, now operating with this skeleton organization, with a number of State directors who are not paid from funds allocated to the National Emergency Council, was because the amount allocated this year—they have never had an appropriation; their funds have been allocated from the Works Progress Administration fund—the amount allocated this year was approximately $1,000,000, and with the development of the W. P. A. and this work program next year, they testified that their needs should be greater than ever before, and that the Senate committee appropriation of $850,000 was very modest.

Mr. CLARK. Is the Senator familiar with an announcement sent out several months ago, that the National Emergency Council was to be abolished and merged with the Bureau of the Budget? What ever became of that official announcement?

Mr. RUSSELL. I understand that the President did issue an official order to that effect, but it is my recollection that the order was later rescinded, and the two agencies were not merged.

Mr. CLARK. That is what I was interested in. If the President thought the National Emergency Council had not functioned to such an extent that it ought to be maintained, and was about to abolish the whole agency, as I was advised, and all the personnel were advised was going to happen, I should be interested to know the reasons why the order was not only rescinded but the appropriation is being increased.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CLARK. I yield to the Senator from Tennessee, if the Senator from Georgia has finished.

Mr. McKELLER. What brought this matter up was some statement by Col. I. M. Jones, of Iowa.

Mr. CLARK. Col. I. T. Jones.

Mr. McKELLAR. Col. I. T. Jones, of Iowa.

Mr. CLARK. I have known the colonel for a good many years.

Mr. McKELLAR. I find that the State director of Iowa is John J. Hughes.

Mr. CLARK. I know him very well, too.

Mr. McKELLAR. And the name of Mr. Jones is not here at all.

Mr. CLARK. Then what was the occasion of Col. I. T. Jones testifying?

Mr. McKELLAR. I do not know.

Mr. RUSSELL. He did not testify.

Mr. CLARK. The Senator from Tennessee just started to read the testimony of Col. I. T. Jones.

Mr. McKELLAR. No; I do not think so.

Mr. CLARK. I know Col. I. T. Jones, and I know J. J. Hughes. I know both of them very well indeed and have known both of them for 25 years.

Mr. McKELLAR. Mr. Jones did not testify.

Mr. CLARK. The Senator from Tennessee just stated that he did.

Mr. McKELLAR. No.

Mr. WHEELER. Here is what the Associated Press dispatch says——

Mr. MINTON. Let us take plenty of time to page Colonel Jones and find out.

Mr. WHEELER. The Associated Press dispatch says:

By I. T. Jones, executive assistant of the Iowa National Emergency Council.

Mr. McKELLAR. His name does not appear in the list.

Mr. WHEELER. It may not appear there.

Mr. MINTON. Mr. President, I shall be glad to testify about this matter.

Mr. CLARK. Will the Senator hold up his hand and be sworn? [Laughter.]

Mr. MINTON. I will be sworn. I was raised in a Methodist atmosphere; and since everybody else is testifying in this testimonial meeting, I want to testify about the National Emergency Council, director of my State, and to say that when we had the great flood in Indiana, in 1937, through his efforts in coordinating the work of the W. P. A., the Resettlement Administration, and the C. C. C. camps, he saved enough money to the Federal Government to pay his salary from now on.

Mr. CLARK. Let me ask the Senator from Indiana——

The PRESIDENT pro tempore. The time of the Senator from Missouri has expired.

Mr. MINTON. I will take time on the amendment, if I may.

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. MINTON. Not only did he do that splendid job in that great emergency, in the time of the flood, in coordinating the activities of the Federal agencies in the State, but he has been doing a splendid job, day in and day out, in going over the State of Indiana and coordinating the efforts and acting as liaison officer between these emergency agencies and the Federal Government and the State government of Indiana; and today there is no better coordination of the work of the Federal agencies in the United States than is conducted in the State of Indiana. So if the Senator from Montana will just be a little bit more careful about the kind of men he picks for political jobs, he will have better work done. We get pretty good men in Indiana.

Mr. WHEELER. You get pretty good politicians there.

Mr. MINTON. Call them what you will; they do the work. We do not have to come on the floor of the Senate and apologize for them, as the Senator from Montana did.

Mr. WHEELER. I am willing to apologize for this one.

Mr. MINTON. I am willing to stand up for ours.

Mr. PEPPER. Mr. President, I desire to say from recent experience that if there is anything that is necessary in my own experience, it is somebody to correlate the activities of the Federal Government. I know that in the approximately year and a half that I have been here, I have devoted a good bit of effort to trying to find out what the Federal Government was doing. I plotted myself a composite county, as it were, which I took as a sort of an ideal county, and I contacted all the Departments I could contact, and tried to plot upon that county the activities being carried on there, so that I could get something of a picture of the ramifications of the Federal Government, and some perspective of what the Federal Government was trying to do. I will say from personal experience that the only agency in Washington that I have ever been able to contact with any assurance of getting something like a complete picture of what the Government was doing was the National Emergency Council; and I found the same thing to be true in my State.

Mr. CLARK. How did the Senator run in that composite county? [Laughter.]

Mr. PEPPER. I did fairly well in that county. [Laughter.]

Mr. CLARK. I thought so.

Mr. McKELLAR. And in all other counties, I believe, in Florida.

Mr. PEPPER. Mr. President, I have understood that it is also the function of this agency to make reports back to the National Emergency Council at Washington, to be relayed, I assume, to the President, as to the effectiveness of the administrative efforts of the various agencies toward the accomplishment of the program we try to enact in our legislation.

Mr. HOLT. Mr. President, will the Senator yield?

Mr. PEPPER. If the Senator will allow me for a moment, I will yield. So that it is not only a correlating agency, which attempts to correlate Federal activities in a given State, but it is also an observing agency, an independent and impartial observing agency, which will report back to Washington, as it were, as to the effectiveness of the activities of the other various agencies, as to whether they should be enlarged, or diminished, or changed in some way or other.

I yield to the Senator from West Virginia.

Mr. HOLT. When the Senator from Florida spoke about effectiveness, did he mean political effectiveness?

Mr. PEPPER. I have observed something analogous to the statement in the Scriptures as to whose ox it is that is being gored in this question of political interference, and it has not been entirely outside the scope of my notice that people who were not altogether friendly to the administration have not confined themselves in their political activities to the places of their residence, either.

Mr. POPE. Mr. President, I wish to say a word to the Senator from Missouri and to the Senate with reference to the National Emergency Council in my State. I think the work done by the Director of the National Emergency Council depends very largely on the man. I think that perhaps of all the men in my State the director of the Council there has been the most valuable in actually coordinating and integrating the work of the Department, and when difficulty arose in an agency he was the man who was able, with his tact and his ability and his friendliness, to solve the problem. We have found that true as to practically every agency in my State. Not only that, but he brought together the heads of the various agencies, as has been stated here, monthly or oftener, in order to get reports of what they were doing, what they were accomplishing.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. POPE. In just a moment. For my own part, the man in the State of Idaho who knows more about the general work of the Federal Departments and the Federal agencies in that State is the National Emergency Council director. He is the man who can be depended upon to make an accurate and careful report of what the trouble is and himself do more than any other man to iron out the differences. I think the smooth working of the agencies, and their friendliness toward each other, and their cooperation, where there is overlapping, is due to the work of the director of the National Emergency Council.

I yield to the Senator from Montana.

Mr. WHEELER. Has he been able to coordinate the W. P. A. under Mr. Hopkins, and the P. W. A. under Mr. Ickes, or has he been about to coordinate the work of the Secretary of Agriculture under the A. A. A., and the Reclamation Service, and the Biological Survey?

We all know there are differences between the different branches of the Government. I know that some who have occupied high positions—and I do not care to quote them—have stated that coordination was an impossible task.

Mr. Frank C. Walker has been quoted as being from my town, Butte. He is one of the cleanest and ablest men I know. We are personal friends, and I am very fond of him. But I know that Mr. Walker undertook a superhuman task. Then they put in a newspaperman, Mr. Red Leggett, whom I do not know except in a general way. But I think it is a joke to talk about it being effective and to talk about spending $850,000 on this activity.

Mr. POPE. It was not the business of the director in Idaho to attempt to coordinate the departments in Washington, but out on the ground, in my State, when a difficulty arose, the director was helpful.

With reference to W. P. A. and P. W. A., and the projects which were involved, there were conflicts. The director was making his observation. He was at the point where there were duplications, where there were conflicts, where there were differences among the departments, and he was able to do what I thought the agency was organized for, to integrate the various activities, to work out the difficulties, to satisfy those interested, to bring about a smooth working of the different departments in the State. That was true of the Federal Housing Administration and its contacts with other departments.

I think there is a place for a man, at least in the State of Idaho, to bring the various governmental agencies together and have them work in harmony. I attended meetings myself where the heads of all the departments, not only the emergency agencies, but the permanent agencies such as the United States marshal, the district attorney, and all the rest, were making careful reports as to their work of which a record was being made. The heads of the various Indian agencies were there telling of the work they were doing, and the improvements which had been made during the last month or the last year. It was a very effective, integrating, coordinating force.

I say again, it depends very largely on the man who is doing the work. A man has to have tact, he has to have ability to get around and see the various people and get their confidence. But there is a job to be done, and for my State—I do not know about the other States—I will say that perhaps the work that has been done by the National Emergency director during the past several years has been as valuable as any other work done in the State, if not more valuable. To a very large extent I attribute the record which has been made out there for good service to the director. No complaints have come to me in the last year. I can always tell how well an agency is getting along in my State by the number of complaints I receive. Almost no complaints have been made during the last year or two, and I am sure that is largely due to the work of the National Emergency Council.

I know nothing about the work of the Council in other States—have not investigated as to them, but for my own State I wish to say that the director has earned over and over again the amount the Federal Government pays him.

Mr. RUSSELL. Mr. President, in order to clear up the mystery about Col. I. T. Jones, I have just talked with Mr. Mellett, and he states that Mr. Jones has had no connection whatever with the National Emergency Council since June 1937. So the Senator may be reassured that Mr. Jones does not hold the office attributed to him by the Associated Press.

Mr. CLARK. Mr. President, that is about the cheapest piece of campaign propaganda I have heard of going out in a long time. If Mr. Jones is not connected with the National Emergency Council, to have him put out this statement in the primary campaign in Iowa, purporting to hold the job he used to hold, is certainly about the cheapest piece of campaign propaganda I have seen issued in the United States in a great many years.

Mr. BARKLEY. Mr. President, if Col. I. T. Jones has engaged in any propaganda of deception in the State of Iowa, certainly the National Emergency Council cannot be held responsible for it.

I wish to say just a word about the pending amendment. Even if the colonel were still connected with the National Emergency Council, it seems to me it would be unwise to defeat this amendment simply because he acted the fool in Iowa by giving out a statement as to his views in a primary campaign. I can understand very well how Members of the Senate resent things of that sort, because that is a field which from time immemorial has been reserved to the Senate. No one else ought to be allowed to express his views on a given phase of politics unless he happens to be a Member of the Senate, and if he is a Member of the Senate he is at liberty to roam over the country at will and advise the people with respect to all questions that pertain to politics in primaries and in general elections. But that is neither here nor there.

Being a Methodist, I wish to join in this experience meeting with respect to the working of the National Emergency Council in my State.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. MALONEY. Is this discussion just for Methodists?

Mr. BARKLEY. Not at all, but inasmuch as this has been a sort of an experience meeting, and it is a Methodist custom to hold experience meetings, I wanted to get in on it; but it is one in which men of all religious beliefs may participate.

Mr. MALONEY. I did not know but that one would be barred if he were not a Methodist.

Mr. BARKLEY. Not at all. No one is barred, but all are welcome.

Mr. MALONEY. I wonder if the Senator finds any significance in the fact that so important a Commonwealth as Connecticut not only is without a director in this set-up, but the Council has no office there. I noticed in the record that all the surrounding States have offices, but Connecticut, one of the large States of New England, and a fairly large State of the country, as well as an important State, is entirely without an office.

Mr. BARKLEY. I cannot explain that. I am satisfied that if the Senator from Connecticut would inquire at the headquarters of the N. E. C. he probably could ascertain why it is that Connecticut does not have an office. Has the Senator made an effort to ascertain why?

Mr. MALONEY. No, Mr. President, and I am not critical of that fact now.

Mr. BARKLEY. If the Senator has not manifested sufficient interest in it to inquire as to why Connecticut does not have a director or an office he ought not to inquire of the Senator from Kentucky about it. I think the N. E. C. would be glad to give him that information. Connecticut is an important State and ought not to be discriminated against. I can give no reason why it does not have a director or an office. Perhaps the State does not want to have either. I cannot answer that question.

Mr. MALONEY. I am afraid the majority leader does not understand me. I have not complained that there is neither an office nor a director in that State. I do not know that there is any need for either. I had not had occasion to inquire up to the time the new appropriation was proposed.

Mr. BARKLEY. I thought the Senator asked me to explain why Connecticut did not have an office or a director, and I cannot do it.

Mr. MALONEY. No; I asked whether or not the leader attached any significance to the fact that there was neither a director nor an office in Connecticut.

Mr. BARKLEY. I would have to know the facts before I could attach any significance or draw any inference from that circumstance. I am satisfied it has not been done with the view in any way of slighting the State of Connecticut.

Mr. MALONEY. No; I am sure it has not.

Mr. BARKLEY. In my State I wish to say that this service has been very beneficial. In the first place, the man who holds the office of director was not an applicant for it, and was not an applicant for any other position under this administration. He was more or less drafted into the service. He is a man of the highest type, disinterested, a very distinguished lawyer, a man who served on the bench, and he has given to that position the prestige and the dignity that he has acquired by reason of his service as lawyer and judge. Ever since he has held his present position he has gone around over Kentucky holding meetings of different agencies, the Home Owners' Loan Corporation, the Federal Housing Administration, the Reconstruction Finance Corporation, the Civilian Conservation Corps, the Soil Conservation Service, the Federal land banks, the set-up of the Agricultural Adjustment Administration, and all the agencies of the Federal Government which have been established during the emergency.

So far as I have been able to ascertain, the only information that we have obtained with respect to the activities which we have sponsored, and for which we have made appropriations, has come through the National Emergency Council.

It is true that if we had the time we might visit all the departments and find out what they have done, not only in our States but in the whole country. But we have not the time nor the opportunity to do that, by personal visit and conference, or in any other way. But there is not a Senator who cannot within a very short time obtain accurate information up to date as to the results of any or all of these Federal activities in his own State and in all the States. It seems to me that that by itself shows it to be an activity or source of information which is valuable to the Congress.

I attach no political significance to that. So far as Kentucky is concerned, if the State director has engaged in any political activities I have not been advised of it. I suppose as he goes around with officers of the various agencies he cannot prevent people from coming to him and talking to him about the situation, but I know that he has not engaged in any political activity, and has certainly devoted himself to the service over which he presides.

Mr. WHEELER. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. WHEELER. The coordinator, or whatever his name is, possesses no power. We talk about what he can do. He can gather these men together and get reports from them, but he has not any authority or power to make them do anything.

Mr. BARKLEY. That is correct. He does not have any authority over them. He cannot nullify orders or instructions given to them by their immediate superiors. But he can report to Washington and to Congress the results of their efforts. He can report any duplication that may be going on in various agencies, and certainly the information which he gathers is worth while. I think it ought to be continued.

Mr. MALONEY. I was hopeful when I questioned the majority leader a few moments ago that he would say that probably Connecticut was so well coordinated and affairs there were conducted so smoothly that it did not need to have an administrator.

Mr. BARKLEY. Probably I was not quick-witted enough to say that. I have been in that State a good many times. There is no State for which I have a greater respect as a State, or for whose people I have a greater admiration than

I have for the people of the State of Connecticut. Even if I did not know the people of that State, I would approve of them, because of the type of representative they have sent to this body.

Mr. MALONEY. I thank the Senator. We in Connecticut have profited by the Senator having come to Connecticut on various occasions.

I should like to add a word, to reinforce the arguments the Senator has just made, that in the past we have had two administrators under the National Emergency Council in Connecticut, and they were men who were, so far as I know, removed from politics, and did not participate in political affairs, at least not to the extent that it was public.

My curiosity is aroused now by the statement the Senator makes that this administrator, or agency, or this office in the States affords an opportunity for the Members of the Congress to get information, and I hope that some member of the committee sponsoring this increase will enlighten me and probably enlighten representatives from other States, as to why the States they represent are denied a similar opportunity.

Mr. BARKLEY. I will say that I do not know. I imagine that even the members of the committee may not know whether they had their attention called to the fact that Connecticut at this time does not have a representative. I have no information on that subject. I certainly would be most enthusiastic in favor of according to Connecticut the same service that is accorded every other State in the Union with respect to this matter.

Mr. President, I hope the amendment will be agreed to.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BYRNES. The representative of the Council made one statement before the committee which impressed me, and about which I have heard no reference in this debate. He said that one of the duties of the representative of the Council was to assist the Senate planning commissions as to the legislation necessary to cooperate with the many laws that have been enacted by the Congress during the last 4 or 5 years; the Federal Housing Administration, for instance, and other activities which the Congress has established. In order to cooperate it is necessary for the States to pass enabling acts. The officials in the States are not advised with respect to such matters.

The representative of the Council has performed a useful service in advising such organizations as to what steps they should take and in securing from Washington the forms of the acts to be introduced in the State legislature. It impressed me at the time that if they did that, they were performing quite useful service in addition to the other activities which have been referred to.

Mr. CLARK. Mr. President, did I understand the Senator from South Carolina to say that the purpose of the agency which has been set up, not by statute and which is without any legal authorization except under the general statute for the allocation of funds, is to tell the States what they should do?

Mr. BYRNES. No.

Mr. CLARK. I understood the Senator to say that.

Mr. BYRNES. The Senator could not have understood me to say such a thing.

Mr. CLARK. I did understand the Senator to say it.

Mr. BYRNES. If he did, I really do not see how he could reach such a misunderstanding. I did not say their function was to advise the States. I said that if the State officials wanted to secure information as to the form of legislation that the State of Missouri should adopt in order to participate in the housing program, they would go to the representative of the National Emergency Council—not Colonel Jones but the representatives in Missouri—who would help them in securing information as to the kind of legislation to be enacted by the State. However, the representative of the National Emergency Council would not tell the State how to proceed.

Mr. CLARK. I understood the Senator to say—and I think the Official Reporter's notes will bear me out—that the purpose of the office was to tell the States what to do.

Mr. BYRNES. I am sure the notes of the Official Reporter will not bear out the Senator. I am a very good stenographer, and I know the reporters in the Senate are even better than I am. The notes will bear me out that I did not make such a statement. My statement was that the officials of the States, instead of coming to Washington to find out from the Federal Housing Administration and other agencies which have been established by the vote of the Senator, my vote, and the votes of other Senators during the past few years, can go to the representatives of the National Emergency Council, who obtains the desired information, and thereby saves the State officials much trouble and expense. The N. E. C. representative is very helpful to the officials of the State who desire information.

Mr. BARKLEY. In that connection, emphasizing what the Senator from South Carolina has said, I will say that it was necessary for the legislatures of the various States to pass amendatory laws in the administration of some of the emergency acts of Congress, such as the Federal Housing Act. Some of the States had to pass laws with reference to home owners' loans, unemployment insurance, old-age pensions, and things like that. In my State—and I am sure the same situation obtained in other States—the State directors of the National Emergency Council were very helpful to the legislatures, cooperating with them in working out harmonious acts of the State legislatures, made necessary by the laws which we had enacted.

Furthermore, before my time expires, I wish to join in the compliments that were paid to Frank Walker, the first Director of the National Emergency Council. When Mr. Walker retired to resume his own private business, Mr. Leggett was placed in charge, I believe as Acting Director for a while. I have forgotten whether or not he ever became Director.

The gentleman who has recently been appointed to this office is certainly not a politician. I do not know his politics. He is a very distinguished editor. For a long time he was editor of the Washington Daily News, one of the chain of Scripps-Howard newspapers. I think he is one of the able and proven scholars of the country. I am quite certain that under his direction there will be no misuse of this agency or of its funds.

Mr. CLARK. If the Senator from Kentucky has any time left before he takes his seat——

The PRESIDENT pro tempore. The Senator has 2 minutes left.

Mr. CLARK. The name of Mr. J. J. Hughes has been mentioned in the debate as the present Director of the National Emergency Council. I should merely like to say that I have known Mr. Hughes for more than 30 years. I have known Col. I. T. Jones for more than 25 years.

Mr. BARKLEY. The Senator must have become acquainted with them when he was quite a child.

Mr. CLARK. I certainly did. Knowing that Colonel Jones had been associated with the National Emergency Council, when I saw the statement in the newspaper this morning I recalled that the last time I saw him was during the campaign of 1936. President Roosevelt held a drought conference at Des Moines, Iowa, and the National Emergency Council representatives held a political conference at the same time, in the same town.

I naturally assumed that Mr. Jones' statement to the Associated Press that he was still associated with the National Emergency Council was true. I have been corrected by the Senator from Georgia. I should like to say that from long acquaintance with Mr. John J. Hughes I am perfectly convinced that he would never lend himself to the use of this agency, or any other agency with which he was connected, for illicit political purposes. To that extent I wish to relieve the National Emergency Council from what I said about it on the basis of Col. I. T. Jones'

claim about the Iowa representative in that State on behalf of Mr. WEARIN.

Mr. BARKLEY. I appreciate the statement of the Senator. I do not know Colonel Jones, but I suppose he is a victim of the human frailty which makes it difficult for any of us, after we retire from public office, not to realize that we are no longer in public office.

Mr. ADAMS. Mr. President——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. McNARY. Is the unanimous-consent agreement being enforced?

The PRESIDENT pro tempore. It is being enforced.

Mr. McNARY. When?

The PRESIDENT pro tempore. Just this minute.

Mr. ADAMS. Mr. President——

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The Senator from Colorado is recognized. He has not spoken on the amendment. He has 15 minutes on the amendment.

Mr. ADAMS. I merely wish to suggest two questions of fact. One is that the appropriation in the joint resolution is $242,000 less than was expended in the past fiscal year by this agency. Second, the testimony before the committee shows that it is the intention to reopen 12 of the State offices which are now closed, if the appropriation goes through.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 6, line 2.

The amendment was agreed to.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the statement which I send to the desk may be read by the clerk.

The PRESIDENT pro tempore. The statement will be read.

The legislative clerk read as follows:

After a conference attended by Speaker BANKHEAD, Senate Majority Leader BARKLEY, House Majority Leader RAYBURN, Senator BYRNES, chairman of the Senate Committee on Reorganization, and Representative LINDSAY C. WARREN, acting chairman of the House committee, the two chairmen issued the following statement:

"No further effort will be made to pass the reorganization bill at this session.

"It is our opinion that the American people overwhelmingly desire some kind of effective reorganization of our Government in the interest of greater efficiency and practical economy.

"Without attempting to go into detail with reference to reorganization legislation or to bind the next Congress upon the subject, immediately upon the reconvening of the next Congress the question will be determined as to the form in which this desirable legislation will be introduced. We shall press for prompt consideration by both Houses at as early a date as possible, and we entertain no doubt of its successful enactment."

Majority Leaders BARKLEY and RAYBURN, of the Senate and House, respectively, stated that this program has the approval of the President.

Mr. JOHNSON of California. Mr. President——

Mr. BARKLEY. I yield to the Senator from California.

Mr. JOHNSON of California. I simply wish to say that I thank the Senator for the frank statement which has been made. We shall meet at Philippi; and we do not concede, by our silence, that the bill referred to as a reorganization bill is either desirable, or the sort of bill which ought to be passed. We shall meet the issue at the next session. Let us hope that all the Members of the Senate may then be present.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield to the Senator from South Carolina.

Mr. BYRNES. I wish to say to my good friend from California that we shall be delighted to meet him; and the result will be the same as at the present session. The bill will pass the Senate.

Mr. JOHNSON of California. Maybe.

Mr. BYRNES. The Senator asserts that it will not pass the Senate. I assert that it will.

Mr. BARKLEY. Mr. President, it is too early now to start a new filibuster on the reorganization bill.

In view of the statement which has just been read, I wish to make a further statement.

So far as the present session of Congress is concerned, I think the disposition of the reorganization bill clears the atmosphere, at least to that extent, so far as the remainder of the work of the present session is concerned. It is the desire of all Members, I think without exception, to wind up the business of the session and adjourn at as early a date as possible.

In view of the fact that the wage and hour bill either is or soon will be in conference, and in view of the inability to prophesy how long the conferees will require to reach an agreement, it is impossible at this moment to predict the date of adjournment. However, it is my very earnest hope that we may conclude all the unfinished business that we are called upon to dispose of at the present session and adjourn the session sine die not later than the 10th of June.

The Vice President advises me of a fact which I did not know, that today the House adopted a rule revising the rules so as to authorize the Speaker to recognize Members of the House for the remainder of this session to move to suspend the rules in the House, in order that business may be expedited. In view of the desire to dispose of the unfinished business and adjourn as soon as possible, however, I wish to advise the Senate that from now on, during the further consideration of the joint resolution, the Senate will meet at 11 o'clock and hold sessions at night, if necessary, until the joint resolution is disposed of, provided, of course, the Senate is willing to do that. That is always assumed.

Mr. COPELAND. Mr. President, in order that we may expedite adjournment, it is necessary that two or three bills now upon the calendar be given attention.

Mr. BARKLEY. In that connection, if the Senator will permit me, I wish to say that between the conclusion of the pending business and the report of the conference committee on the wage and hour bill I hope we shall have several days that we can devote to bills on the calendar which are of sufficient importance to merit consideration.

Mr. COPELAND. The matter I have in mind is the omnibus river and harbor bill. It ought to be passed now, so that we may have a conference on it. Its consideration was objected to today by the Senator from Mississippi [Mr. BILBO] under a misapprehension. He thought I was trying to call up the flood-control bill. This is the river and harbor bill. If the leader will give us 10 minutes, I think we can pass the bill this afternoon.

Mr. BARKLEY. May I ask the Senator whether this is the ordinary omnibus river and harbor bill providing for the authorization of surveys for rivers?

Mr. COPELAND. Surveys, and also projects which have been approved.

Mr. BARKLEY. Over what period does the Senator expect to secure appropriations to carry out the authorizations in the bill?

Mr. COPELAND. Heaven only knows.

Mr. BARKLEY. I understand that the total authorizations approximate $500,000,000.

Mr. COPELAND. Oh, no, no, no—$37,000,000.

Mr. BARKLEY. Oh, $37,000,000? The flood-control bill which has been referred to——

Mr. COPELAND. That is a very much larger bill.

Mr. BARKLEY. That is a very much larger bill, and that is also an authorization?

Mr. COPELAND. That is an authorization.

Mr. BARKLEY. And the bill the Senator now wishes to take up is the rivers and harbors bill, amounting to a total of about $37,000,000?

Mr. COPELAND. That is correct.

Mr. BARKLEY. Is it the purpose of the Senator, if the bill should be passed, to ask for appropriations in the next deficiency bill to cover these items?

Mr. COPELAND. A few will be asked for in the deficiency bill, but not all of them.

Mr. BARKLEY. I have no objection; and I therefore ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of considering the rivers and harbors bill.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The Chair lays before the Senate a bill the title of which will be stated by the clerk.

The LEGISLATIVE CLERK. A bill (H. R. 10298) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. McKELLAR. Mr. President, I wish to ask the Senator from New York a question.

A moment ago the Senator was asked if it was his intention to ask for appropriations for these items this year. I do not think they ought to be asked for this year, and I hope the Senator will give me assurance that if the bill is passed now, no appropriations for this purpose will be asked for in the deficiency bill this year.

Mr. COPELAND. Let me say to the Senator that those which are particularly urgent will be, in the aggregate, less than $1,000,000.

Mr. McKELLAR. Mr. President, we have virtually completed this session, and at this late date in the session I do not think we ought to permit appropriations for this purpose. I will say to the Senator from New York that unless I can have an agreement about the matter, I shall be obliged to object to the consideration of the bill.

Mr. COPELAND. I did not hear the Senator's last statement.

Mr. McKELLAR. Unless I can have the assurance that no appropriations for this purpose will be asked for in the deficiency bill this year, I shall be obliged to object.

Mr. COPELAND. Mr. President, so far as I am concerned, I am not the one to determine what shall go into the bill.

Mr. McKELLAR. That is true; but if I have the assurance that none are going to be asked for, I am perfectly willing that the bill shall be passed.

Mr. NORRIS. Mr. President, how can the Senator get that assurance?

Mr. McKELLAR. I can get it from the Senator from New York.

Mr. NORRIS. Does the Senator from New York decide what the appropriations shall be?

Mr. BARKLEY. Mr. President, in that connection, if the Senator will yield, I suppose the Army engineers of the War Department will have more to say about that than anyone else, because unless an estimate is sent up by the Director of the Budget to the House committee—which is now, I understand, considering another deficiency bill—no appropriations for rivers and harbors will be included in the deficiency bill.

Mr. McKELLAR. I am quite sure that if the Senator from New York will give us the assurance that no appropriations will be asked for, we can let the bill go through. Otherwise, I do not want it passed.

Mr. COPELAND. Mr. President, so far as I am concerned, I desire to say that a good many of these projects will be taken care of by emergency money, and they cannot be proceeded with unless they are authorized projects. I have nothing whatever to say about the appropriation bill. As I look this bill over, there is only one item in it in which I am personally interested. That happens to be an item of $194,000 for Flushing Bay, N. Y., which has to do with the World's Fair, in connection with which the city itself is giving $100,000. So far as all the other items are concerned, they are just routine items which have been passed on by the Army engineers, and which will be needed by the President and the W. P. A. and the P. W. A. in the selection of projects for the expenditure of relief money.

I hope the Senator from Tennessee will not object.

The PRESIDENT pro tempore. The request will be again put.

Mr. NORRIS. Mr. President, I do not understand why the Senate at this late hour should temporarily lay aside the pending joint resolution of great importance in order to take up, without notice, another measure of great importance, and dispose of it in 1 or 2 minutes. It seems to me that is not the right way to legislate. It may be that every item in the bill is proper; but one of the reasons why the Senate is often in disrepute is because it does things just like the one we are now contemplating doing, in which probably hundreds of millions of dollars are involved, on 2 minutes' notice, without reading the bill or anything of the kind.

Mr. McKELLAR. Thirty-seven million dollars.

Mr. BARKLEY. Mr. President, if the Senator will yield, I have no personal interest in this bill.

Mr. NORRIS. I have not, either, that I know of. I have not read it.

Mr. BARKLEY. It was reported on the 23d day of May. Last Friday or Saturday an effort was made to bring up the bill for consideration. The Senator from New York [Mr. COPELAND] observed that there was a very small attendance in the Chamber; and, out of courtesy to other Members, the matter went over.

He made the request again today when we met, and objection was made by the Senator from Mississippi [Mr. BILBO] under the misapprehension that it was the flood-control bill. Now the Senator from New York has brought up the matter again.

If the bill is going to pass, being a House bill, if it is necessary that it go to conference, it ought to be passed as soon as possible, although I do not know that there are sufficient amendments or changes in the bill to make it necessary for it to go to conference. The House might agree to the amendments of the Senate, and probably would do so. I am not able to speak about that phase of the matter, but the bill has been on the calendar for more than a week, and this is the third effort which has been made by the Senator from New York to have it considered.

Mr. NORRIS. I know; but every effort has been just like this one. We are expected to take up the bill now, and probably 5 minutes from now the Chair will say, "Without objection the amendments are engrossed, and the bill is read the third time and passed."

I do not think that is fair to the Senate. It is not fair to the country. I dislike to object, because I do not know that there is a thing in the bill that is wrong; but, under the circumstances, I am going to object.

Mr. COPELAND. Mr. President, will the Senator yield before he objects?

Mr. NORRIS. Yes.

Mr. COPELAND. It is not fair to the committee, either. We have had hearings on the bill.

Mr. NORRIS. Very well; probably it is not fair to the committee; but if we cannot pass all these things without consideration, without giving them some time, then we ought not to pass them, or we ought to stay here until we can give them the proper consideration.

Mr. President, for more than a week we have been talking about the measure which is now the unfinished business. We have been discussing it. The Senator from New York himself, who now wants to have us pass this river and harbor bill without reading it, and without any opportunity for consideration, is one of the men who for nearly a week stood here and said, "This is very important legislation, and we are going to let the country know what it is." I did not object to that. It is all right to do that. Why should not that apply to the river and harbor bill just as well? I object.

The PRESIDENT pro tempore. Objection is made. The clerk will state the next amendment to the pending joint resolution.

The next amendment was, on page 6, line 3, where the committee proposed to strike out "$250,000" and insert in lieu thereof "$750,000", so as to read:

(b) National Resources Committee, $750,000.

Mr. BANKHEAD. Mr. President, I ask unanimous consent that the pending joint resolution be laid aside temporarily and that the Senate proceed to the consideration of House bill 10530, a bill to extend the time covering the reduction in interest on Federal land-bank loans. We have had the matter before us three or four times.

The PRESIDENT pro tempore. Is the bill on the calendar?

Mr. BANKHEAD. It is on the calendar, being order of business 1947.

Mr. BARKLEY. Mr. President, an identical bill has been passed every year or every 2 years, whenever the time expired, by which Congress reduced the interest rate on farm loans made by Federal land banks from 4½ to 3½ percent. When the bill was passed the last time Congress included commissioners' loans and reduced the rate from 5 to 4 percent. The President vetoed the bill, and it was passed over his veto by both Houses. So that everyone is familiar with the subject, and the last extension will expire in July, I believe. It is a question as to what the Senate wants to do about the matter. I think everyone knows what is involved; and if the time is to be extended, as seems to me very likely, the Farm Credit Administration and the Treasury ought to know as soon as possible.

Mr. ADAMS. How much will the bill cost the Treasury of the United States, I ask the Senator from Alabama?

Mr. BANKHEAD. It will cost somewhere around thirty-nine or forty million dollars. But the present is the worst time in the world to restore a high rate of interest on these loans, the worst time we have had since 1932. The farmers just cannot pay it. The Government will collect more interest at the reduced rate than at the high rate. There will be more foreclosures if we do not pass this bill and more of a loss of principal.

Mr. BURKE. Mr. President, I desire to ask the Senator from Alabama whether this is the identical bill the President vetoed last year.

Mr. BANKHEAD. It is.

Mr. BURKE. I think it would be very improper to pass at this late hour a bill the President vetoed last year.

Mr. BANKHEAD. We passed it over his veto.

Mr. BURKE. I know that, but it certainly would be improper to pass the bill with as small a number of Senators present as are in the Chamber now. I should certainly suggest the absence of a quorum before we acted on the bill.

Mr. BANKHEAD. Of course, if the Senator objects, I cannot help it.

Mr. BURKE. I object.

Mr. BANKHEAD. I ask unanimous consent that the measure be taken up immediately after the disposition of the pending joint resolution.

Mr. BARKLEY. Mr. President, I hope the Senator will not press that request. I assure the Senator that the bill will be taken up very promptly, but I have given my assurance to other Senators that another bill will follow the pending measure immediately, so far as I can control it.

Mr. BANKHEAD. I will not resist the leader. I withdraw the request.

Mr. MILLER obtained the floor.

Mr. BARKLEY. If there are no more requests to be made, I wish to have an executive session.

Mr. MILLER. Mr. President, I yield for that purpose. I desire to submit a few remarks on the amendment now pending. I do not want to lose the floor, if the amendment is to be acted on today, but if the majority leader advises me that there is to be a recess, I will relinquish the floor on that condition.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the following nominations:

Rear Admiral James O. Richardson to be Chief of the Bureau of Navigation, in the Department of the Navy, with the rank of rear admiral, from the 11th day of June 1938, for a term of 4 years; and

Capt. Walter B. Woodson to be Judge Advocate General of the Navy, with the rank of rear admiral, from the 20th day of June 1938, for a term of 4 years.

Mr. ADAMS, from the Committee on Public Lands and Surveys, reported favorably the following nominations:

Harry Slattery, of South Carolina, to be Under Secretary of the Interior, vice Charles West; and

Fred S. Minier, of South Dakota, to be register of the land office at Pierre, S. Dak. (Reappointment.)

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of John M. Guay to be United States marshal for the district of New Hampshire.

Mr. KING, from the Committee on the District of Columbia, reported favorably the nomination of Richmond B. Keech, of the District of Columbia, to be a member of the Public Utilities Commission of the District of Columbia for a term of 3 years from July 1, 1938. (Reappointment.)

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until tomorrow at 11 o'clock a. m.

The motion was agreed to; and the Senate (at 5 o'clock and 55 minutes p. m.) took a recess until tomorrow, Wednesday, June 1, 1938, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 31 (legislative day of April 20), 1938

POSTMASTERS

KENTUCKY

Edward W. Cubbage, Clarkson.

LOUISIANA

Richard M. Almond, Tallulah.

MINNESOTA

Anna C. Dallaire, Ah-gwah-ching.
Joseph G. McRaith, Belle Plaine.
Timothy Hurley, Bird Island.
Alta V. Mason, Blue Earth.
George H. Malven, Browerville.
Antoinette D. Hall, Campbell.
Lambert J. Dols, Cologne.
John A. Oberg, Deerwood.
Edward C. Feely, Farmington.
Martin T. Haley, Hibbing.
Stella C. Olson, Karlstad.
Ada L. Davies, Kasota.
Anton Malmberg, Lafayette.
George A. Boyd, Le Roy.
Leroy G. Schmalz, Lester Prairie.
Arthur P. Rose, Marshall.
James H. Pelham, Menahga.
Milla Tagley, Mentor.
Nicholas D. Schons, Nicollet.
Oliver W. Alvin, North Branch.
August M. Utecht, Richmond.

George Glotzbach, Sleepy Eye.
Andrew Reid, South St. Paul.
Walter J. Mueller, Springfield.
Andrew T. Sanvik, Starbuck.
Carl H. Ruhberg, Storden.
Elizabeth C. Bahr, Waconia.
Margaret J. McGarry, Walker.
Einar C. Wellin, Willmar.
William F. Sanger, Windom.
John R. Schisler, Winthrop.
Oscar W. Groth, Wright.

NEBRASKA

Theresa Mullan, Boys Town.

PUERTO RICO

Teresa Melendez, Arroyo.
Cesar Rossy, Ciales.
Luis E. Kolb, Utuado.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 31, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord God of heaven and earth, hear our prayer and be attentive unto the whisperings of our hearts. We praise Thee that Thy throne is forever and ever; the scepter of Thy kingdom is righteousness. Thou who art the fount of all love and wisdom, uphold us by Thy counsel. As servants of our beloved country, enable us to be prophets of that new morning whose advancing light is evermore fully radiating the ways of the races of men and inspiring them onward toward a transfigured world. Help us to live lives of faith and good works whose fruits are joy and peace. More and more undergird our trust in Thee. Almighty God, some way, in Thine own marvelous way, lift up into Thy eternal beauty the fallen ruins of our humanity and conform its ways to Thy changeless law. Help us each day, our Father, to be sweet tempered and loving hearted. Forgive us that in which we have been amiss in seizing our opportunities. May this day be used to promote concord and to overcome evil with good. In our Savior's name. Amen.

The journal of the proceedings of Friday, May 27, 1938, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment joint resolutions of the House of the following titles:

H. J. Res. 687. Joint resolution to amend title VI of the District of Columbia Revenue Act of 1937; and

H. J. Res. 693. Joint resolution making an appropriation to aid in defraying expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg.

The message also announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 7508. An act to amend the Liquor Enforcement Act of 1936; and

H. R. 9996. An act to authorize the registration of certain collective trade-marks; and

H. R. 10642. An act to amend an act entitled "District of Columbia Alley Dwelling Act," approved June 12, 1934, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1591) entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes."

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. GIBSON members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive Departments," for the disposition of executive papers in the following departments:

The National Archives.
The Department of Agriculture.
The Department of the Interior.
Civilian Conservation Corps.
Social Security Board.

PRINTING ADDITIONAL COPIES OF REVENUE BILL

Mr. LAMBETH. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution.

The Clerk read the concurrent resolution, as follows:

House Concurrent Resolution 52

Resolved by the House of Representatives (the Senate concurring), That there be printed 38,000 additional copies of Public Law No. 554, current Congress, entitled "An act to provide revenue, equalize taxation, and for other purposes," of which 25,000 copies shall be for the use of the House document room, 10,000 copies for the use of the Senate document room, 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and 1,000 copies for the use of the Committee on Finance of the Senate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The House concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. O'CONNOR of Montana. Mr. Speaker, I ask unanimous consent to insert at this point in the RECORD some remarks I have prepared upon the plight of the farmer.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. O'CONNOR of Montana. Mr. Speaker, before this session closes, I want to say a few words in behalf of the farmer and add to some remarks I made relative to the farm legislation as it applies to wheat, which appears in the Appendix of the CONGRESSIONAL RECORD at page 583, volume 82. This act, or law, is, in my opinion, but the beginning of a farm program from which at some future time will emerge real relief for the farmer.

The act to which I make reference, if it accomplished no other purpose excepting the conservation of our soils, and so forth, would be worth while, as we in the past have run riot in the exploitation of what Nature afforded us to take care of this and future generations in the form of lands, and so forth; but we are not through by any means.

The farmer pays too high a rate of interest on the money which he borrows, not only upon his land but upon his livestock. You will note that other industries, according to the quotations published, borrow money at 1 percent and 1½ percent, whereas the farmers pay, even to the Federal farm loan associations, interest at the rate of 4½ percent and 5 percent, excepting the law has been changed by Congress to 3½ percent for the next 2 years. It is my contention that either we must resort to price-fixing methods of farm products or refinance the farmers on the same basis that other industries are enabled to borrow money.

I received a letter not so long ago from a friend of mine that states the case of the farmer in perhaps the most forceful and concise manner that I have heard his case stated in or out of Congress. He wrote to me about the farm program, and among other things he stated:

I have been very much interested in the farm program because I felt that the farmer's economic position was very unfavorable and very unfair, that unless something were done to equalize things and to change the economic current we would all be eventually reduced to a state of peonage, just working for interests who hold mortgages on our lands and cattle. Of course, I realize that

we cannot all make a success, nor all achieve wealth, but nevertheless when a man is willing to work hard, long hours, use fairly good judgment in his trading, has good land and good equipment, and in spite of all he can do, sees his income fail to make his expenses year after year, his crops and cattle sell for less than his cost of production in spite of every economy, then, I believe, there is something fundamentally wrong. I know you feel the same way about it, and while there may be some things about the present farm program that we will find require changing, nevertheless it is an honest attempt to do something, and that is more than we have had before.

This letter is signed by George M. Parker, of Wilsall, Mont., a farmer who has gone through the experiences that he has just related.

I do not think that anyone wants to resort, unless it is imperative, to price fixing, but I do think that we all realize that what this farmer stated is absolutely true; that he must be given a fairer deal in the economy of the carrying on of the business of the country. During the last 5 years one farm out of every six was lost or changed hands through mortgage foreclosures, taxes, or judgment sales. It is granted that the farm indebtedness has been decreased by about $2,000,000,000 within the last 5 years, but I want to call your attention to the fact that this was largely the result of mortgage foreclosures, taxes, and judgment sales. The man who owned his farm a few years ago and still owns it and was in debt, still owes that debt, and the chances are it is larger than it was then. The primary reasons for this situation, of course, are that he pays too high a rate of interest for money that he was required to borrow, and that he sells his products below cost of production. His taxes are also too high. They are based on arbitrary fixed valuation rather than upon an income valuation. The price of his farm machinery that he is required to buy is about as high now as it was during the war, with the price that he receives for his products far below the prices prevailing at that time.

A bill was introduced in Congress which, to my way of thinking, would go a long way in helping the farmer. It is known as the Frazier-Lemke refinance bill. This bill provides, among other things, that the United States Government shall refinance existing farm indebtedness at 1½-percent interest and 1½-percent principal amortization plan, not by issuing bonds but by issuing Federal Reserve notes to be secured by first mortgages upon the farm lands. I do not need to tell you that this is the best security on earth. Our mines will become exhausted in time, of course, leaving in their wake gaping wounds in the earth. But the productive lands, if taken care of, will continue to produce so that this and future generations may continue to eat and live comfortably.

Therefore, Mr. Speaker, our lives and our future depend upon the farms. Since I have been in Congress, I took part in reducing the farm mortgage interest to Federal farm loan associations to 3½ percent and 4 percent. This will continue for a period of 2 years longer, as the House granted the last extension the other day. Now, in addition to the rate of interest we are now paying the farm loan agencies, the farmer is required to buy stock in an amount equal to 5 percent of the loan. Under the Frazier-Lemke bill, he would be able to pay 1½-percent interest and 1½-percent principal on $30,000 in approximately 47 years. Under the Frazier-Lemke bill a farmer could carry his $10,000 mortgage loan as far as his ability to pay goes as easily as one-half of that amount could be carried under the present law. This bill is a strong attempt to preserve and conserve the American farms and farm homes.

Who is there to raise the question that the stability of any nation does not rest upon self-reliant home owners and farmers of the country? It has been truthfully said that a farmer without a home is like a man without a country. We must make a concerted and aggressive drive in the future in Congress to preserve the homes for our people and keep them in the hands of the men and women who accumulated them, and not let them get into the possession of loan sharks, and so forth.

It has been said that this would cause inflation. May I ask which is the worse form of inflation, Federal Reserve notes used as a revolving fund sufficient to take care of the refinancing of the farm mortgages, or issuing interest-bearing bonds and paying the interest to the banks? Our Government now prints Federal Reserve notes and gives them to the Federal Reserve banks for the cost of printing. Is it not a fact, also, that the Government would save the interest it is now paying to the bankers upon these bonds under this form of financing? As I understand, there are between three and four billion of these Federal Reserve notes outstanding at the present time. If the Government can do this for the bankers, why may it not do the same thing for the 32,000,000 people who depend upon the farms? This bill, in my opinion, should be passed by Congress. I signed a petition to take the bill away from the Rules Committee and place it upon the House calendar, and with the assistance of Mr. LEMKE and many others feeling as we do about the matter, 140 Members of Congress have signed this petition and demanded that the committee report the bill out and then to be brought up on the floor for passage. Under a rule adopted by the House it requires a majority of the Members, 218, to take a bill from the Rules Committee when it will not grant a rule.

It is not possible to get this bill through this session of Congress, but it or one like it will go through next Congress. The people will demand it, and I do not think Congress will long refuse to act.

It was pointed out on the floor of the House by the distinguished chairman of the Agricultural Committee at the special session of Congress that even Alexander Hamilton said that farmers should receive bounties in order to place them on a par with the protected industries. The farmers will not need a bonus or bounty if they get a fair and square deal. They will be able to look after themselves. But up to date they have not been treated as other classes of business.

We passed the wage and hour bill for the benefit of the laboring man. Now let our next step be a substantial improvement of the farmer's condition.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an address I delivered at Valley Forge.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

RIGHT-OF-WAY ACROSS KELLY FIELD, TEX.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10737) to authorize the Secretary of War to grant rights-of-way for highway purposes and necessary storm sewer and drainage ditches incident thereto upon and across Kelly Field, a military reservation in the State of Texas; to authorize an appropriation for construction of the road, storm sewer, drainage ditches, and necessary fence lines.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, as I understand this bill, it is optional with the Secretary of War whether he shall provide this right-of-way?

Mr. MAVERICK. It is optional with him. If certain conditions are complied with by the State of Texas and Bexar County, which I represent, then the Secretary of War is authorized to proceed.

Mr. MARTIN of Massachusetts. What are these conditions?

Mr. MAVERICK. The conditions are that the State highway commission shall put up $194,000 for an underpass, and then the Government will put up about $60,000 to pay for a long road through this field which they have wanted to remove for a long time.

This bill has been reported unanimously by the Committee on Military Affairs. It has been requested by the War Department. It has not been objected to by the Budget and it is desired by the county of Bexar and the State of Texas.

Mr. MARTIN of Massachusetts. Will there be any value to the Federal Government?

Mr. MAVERICK. Oh, yes, very great; in fact, it is absolutely necessary because this is the Advanced Flying School of the United States Army. They have been wanting this road removed for over 5 years at this flying field. There are two air fields there, the Duncan, which is a mechanical and repair unit, and Kelly Field, mentioned in this bill.

Mr. MARTIN of Massachusetts. This is merely an authorization?

Mr. MAVERICK. An authorization of $60,000.

Mr. RICH. Mr. Speaker, reserving the right to object, will the gentleman tell us where he is going to get the $50,000?

Mr. MAVERICK. It is $60,000, my good friend.

Mr. RICH. Can the gentleman tell us where he is going to get the $60,000?

Mr. MAVERICK. I presume there is that much left.

Mr. RICH. Where?

Mr. MAVERICK. I trust there is that much left in the Treasury.

Mr. RICH. There is not anything in the Treasury; not a dollar. It is all gone——

Mr. MAVERICK. A sad state of affairs, if true. However, I will take my chances on that—if this Congress authorizes the expenditure, I believe the boys down at the Treasury can scrape up $60,000. [Laughter.]

Mr. Speaker, I urge the passage of this measure, authorizing the expenditure of $60,000, but I would like to fully explain that Kelly Field is the Advanced Flying School, and that the War Department desires its development as the Advanced Flying School of America. It is essential that this bill go through in order to complete the final development.

I should like to call attention of the House also to the fact that heretofore I introduced a bill for the creation of an aeronautical academy on the same plane as the military and naval academies, and to further provide for aviation education in the colleges over America. The aim in that bill, H. R. 10350, is also to greatly increase the participation of the National Guard and the Reserve Corps in aviation.

AERONAUTICAL ACADEMY IN SAN ANTONIO; TRAINING EXTENDED OVER NATION

At the time I introduced the resolution I made an accompanying statement and clearly set out that the academy would be in my own district, where Randolph and Kelly Fields are located, the two flying schools of the Army. In fact, military aviation education was established there in 1917, at the outbreak of the World War. Even as early as 1910, the very first Army flights were held in San Antonio, since it has a large concentration of military posts.

But as pointed out by that bill, aviation education would be extended all over the United States. The land-grant universities now have units of various arms of the service; why not let them each have an aviation branch? It could be done without very heavy expense, since two or three airplanes, with a few enlisted men and one or two officers, could be assigned out of the available Air Corps itself.

TWO THOUSAND FIVE HUNDRED AIR CADETS A YEAR; AVIATION HOBBY IN PEACE, NECESSITY IN WAR

Out of a cadet corps of several hundred, and in case of an institution like the University of Wisconsin, where there are several thousand, surely from 50 to 100 boys could be selected who could pass the rigid mental and physical tests. Our Nation could begin with 5 or 10 universities and colleges, building up to 50, and, with an average of 50 flying cadets each, we could be training some 2,500 cadets per annum.

The graduates of these colleges would be Reserve officers in the Air Corps, as they now are in other branches of the service. Many would pursue their professions or business and pursue aviation as a hobby in peace and a necessity if war came. Others could become officers in the enlarged aviation units of the National Guard.

One more word about the two flying schools in my own district. Randolph Field, the Primary Flying School, is already the greatest military flying field and aviation school in the world, with modern buildings, hangars, barracks, roads, and equipment. Kelly Field, on the other side of San Antonio, the Advanced Flying School of the Army, sits side by side with Duncan Field, a mechanical and repair unit.

On Kelly Field millions have been spent since 1917, and it is an excellent flying field. But some of the barracks and hangars were built in the World War and are in a dilapidated and rotting condition. In fact, their condition is outrageous. No Member of Congress would stand for such a condition for the boys quartered at the Naval or Military Academy, and should not for the boys in the flying schools either.

RECOGNIZE AVIATION TRAINING BY CREATING UNITED STATES AERONAUTICAL ACADEMY

I make this frank explanation because I know that I must convince my own colleagues and the country upon so important an activity which exists in my own county and district. But as far as that is concerned, the Military and Naval Academies are in particular counties and districts of certain Congressmen, and the aviation training unit happened to be established in mine. Naturally, I want to improve it, and I can show it is a national necessity.

Therefore, if not only this small appropriation is adopted but also my bill creating the United States Aeronautical Academy, it will be principally the adoption of a name, and recognition by the Nation of the importance of aviation training. And as I have several times pointed out, training would not be prevented in additional fields, and would be extended all over the United States.

EDITORIAL COMMENT FAVORABLE ALL OVER NATION

Editorial comment concerning my bill for aviation training has appeared all over the Nation, and I believe in every State in the Union. I am pleased to state that out of several hundred editorials all are in approval of the idea in varying degrees of enthusiasm.

BALTIMORE EVENING SUN AND THE SACRAMENTO BEE

The first one that I noticed was from the Baltimore Evening Sun, May 8 (21 years to a day that I entered the training camp in the war at 21, making me 42), and under the title of "Maury's Academy," described the bill, and commented that the academy would surely be established.

The Sacramento (Calif.) Bee concluded a long editorial as follows:

Its early approval would constitute a real service to the country. More trained pilots must be secured. Expanding Army and Navy flying units cry out for fliers who are as expert as the best training can make them. An aeronautical school, such as Congressman MAVERICK envisages, would meet the requirements as no half-way measures can or will.

The Milwaukee (Wis.) Leader believes the bill is sound:

The building of a large fleet of airplanes and the training of aviators would be comparatively inexpensive and it would make the United States impregnable. The country would not need a super-Navy, and it would not need a large Army. The general principle of the Maverick bill is sound.

ALL HEARST PAPERS STRONGLY SUPPORT

The New York Journal-American and San Antonio Light, as well as all Hearst newspapers in the country, on May 11 said, "He (MAVERICK) should have the utmost public support in that endeavor," and then concluded:

Captain Rickenbacker emphasized the need for what Mr. MAVERICK now proposes—an air academy on the West Point-Annapolis scale, and the training of air cadets for the Air Reserve in schools and colleges through the Nation. The United States is grievously weak in air defense manpower. The Maverick bill makes this entirely clear in saying that we now have approximately only 1,600 officers on flying status in the Air Corps Reserve.

That is inexcusable national weakness. It would be a tragic and probably fatal weakness in the event of a war. The very earnestness with which we desire peace should make us insist on having the greatest air force in the world. That would make us the safest nation in the world, the surest of peace of all nations, because the strongest in defense.

The Maverick bill, therefore, should have early and favorable action in furtherance of our national desire for peace and security.

The Chicago News commented that "it would seem that so generously conceived an experiment might be worth trying," and the Syracuse (N. Y.) Post-Standard said as follows:

Bexar County in his home State is the place provided for the new academy by MAVERICK. There are many valid arguments for such a location if determination is reached to have such a

school, for Texas has been the scene of a great deal of our national development of air fighters.

He (MAVERICK) may lose out at the present session, but that does not mean the proposal is dead. MAVERICK keeps things alive, once he espouses them, and as Texas sends Congressmen back about as long as they desire to stay in Washington, he seems reasonably assured of reelection to press the matter at the next session, with even stronger support from his colleagues from the Lone Star State.

MAVERICK BILL INTRODUCES PROGRESSIVE STEP

And then the Asbury Park (N. J.) Press, on May 15, said as follows:

Congressman MAVERICK's bill providing for aeronautical training in land-grant colleges now offering military training introduces a progressive step. There is a growing demand for trained aviators and aeronautical experts not only in the Army and Navy, where an emergency would exhaust a reserve corps several times as large as any now available, but also in commercial flying.

Also:

It would be difficult to conceive of a better plan for strengthening the national defense and at the same time contributing to the development of commercial aviation by supplying it with trained men.

While the Huntington (W. Va.) Advertiser says that—

The agitation started in Congress by MAURY MAVERICK, of Texas * * * is no misdirected movement.

And the New York Mirror, a vigorous supporter of the bill, says:

The course is all mapped out for making America air-minded. It is written in a bill numbered H. R. 10350, sponsored by Congressman MAURY MAVERICK, of Texas.

The Mirror continues:

There is so much plain common sense in that bill that even a pacifist could not find fault with it. Every other important nation has special schools for training their young men to fly and to fly safely.

From Boston, Mass., we find the Post at least curious and recommending investigation. It says:

A West Point of the air may be necessary. At any rate, its value should be investigated by experts who hope to gain no advantages for the Army or naval bloc in Congress.

THERE WILL BE ENORMOUS DEVELOPMENT AT KELLY FIELD

Mr. Speaker, I have wandered afield from the discussion of the bill for the right-of-way for Kelly Field, and have gone into a discussion of the whole aviation center which is located in and around San Antonio, Tex. I have done this in order to have the records show, and for the Nation to know, the great development at that point.

In the course of the next few years it will only be natural that many millions of dollars will be spent upon that development. Aviation is rapidly developing—we have only 15,000 trained pilots and 29,000,000 automobiles—and if there is only 1 percent development in aviation as there has been of the automobile, there will be an enormous demand for trained aviators and, of course, an enormous demand for air fields.

I desire to thank the House for its patience in listening to this discussion of the fields in my own district, and I request an affirmative vote in the passage of this small and initial bill, which will undoubtedly lead to enormous development at Kelly Field.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant an easement for rights-of-way to Bexar County, State of Texas, for construction of a road and fence across the southern portion of Kelly Field, a military reservation in the State of Texas, from a point known as Leon Creek to a point known as the Quintana Road, and an underground storm sewer and open drainage ditches incident thereto, upon such conditions as the Secretary of War may prescribe: *Provided*, That in exchange Bexar County will convey to the United States its right, title, and interest in the site of the present road, which will be abandoned and closed, and which is described as that portion of the present Pearsall Road, approximately 60 feet wide, extending from the north line of Kelly Field, Tex., southwesterly approximately 10,650 feet to the north line of the proposed new road: *And provided further*, That Bexar County shall be allowed to salvage the surfacing materials from said road to be abandoned and closed.

SEC. 2. There is hereby authorized to be appropriated the sum of $60,000, or such amount thereof as may be necessary, for the construction of the hereinbefore-described road, storm sewer, and drainage ditches, including such fence or fences as are deemed necessary by the Secretary of War by reason of the construction of said road: *Provided*, That said sums shall be made payable to Precinct No. 1, Bexar County, State of Texas, after the Secretary of War determines that said road, storm sewer, drainage ditches, and fence or fences have been satisfactorily completed: *And provided further*, That Bexar County shall maintain said road after its completion and constantly make needed repairs thereto to preserve a smooth-surfaced highway.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MONUMENT TO THE MEMORY OF GEN. PETER GABRIEL MUHLENBERG

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 631.

The Clerk read the House joint resolution, as follows:

House Joint Resolution 631

Resolved, etc., That the sum of $50,000 be, and the same is hereby, authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg, at Woodstock, in the State of Virginia, with the advice of the Commission of Fine Arts. The said sum shall be expended under the direction of the Secretary of the Interior: *Provided*, That the county of Shenandoah or the citizens thereof shall cede and convey to the United States such suitable site as may in the judgment of the Secretary of the Interior be required for said monument: *And provided further*, That the United States shall have no responsibility for the care and upkeep of the monument.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, has this been acted upon by the committee?

Mr. ROBERTSON. This has been unanimously reported by the Library Committee and has the endorsement of the Fine Arts Commission. The gentleman from New York [Mr. WADSWORTH] objected when this bill was called during consideration of bills on the Consent Calendar. I discussed the matter with him Friday afternoon when I considered making this request. He told me he could not be here that afternoon. I asked him what he wanted me to do. He said, "Anything you please."

Mr. MARTIN of Massachusetts. Has the gentleman told any Republican member of the Committee on the Library he was going to call the bill up at this time?

Mr. ROBERTSON. No, I did not do that; because I understood they were all for the bill. As a matter of fact, one Republican member of the Committee on the Library was very active in getting the bill out of the committee, and he thought it was a very splendid undertaking.

Mr. MARTIN of Massachusetts. I do not see any member of that committee here at the moment. I believe the gentleman had better withdraw his request until some member of that committee is here.

Mr. ROBERTSON. I can assure the gentleman from Massachusetts that all the Republican members of the Committee on the Library approved this bill. One of them was very active in behalf of it. He said he thought it was a splendid undertaking. This bill helps to cement the friendship of two great States, Pennsylvania and Virginia, and pays an honor to an outstanding hero of the Revolutionary period who has never been nationally recognized as he should have been.

Mr. RICH. Reserving the right to object, Mr. Speaker, I may say we passed Public Law No. 292 in the Seventy-fourth Congress, to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes. Section 3 of this bill provided for the creation of a board known as the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments. Has that Board approved this project?

Mr. ROBERTSON. This project was referred to the National Park Service, which reported that the matter did not

come under that law because this was a personal monument. The matter was then referred to the Fine Arts Commission, and the Chairman of that Commission appeared at the time the bill was before the committee. He did not testify, but he did talk with some members of the committee and with me, and he told me that this was a fine, splendid undertaking. I may say further that this project has the endorsement of the entire Lutheran Church of America. They are vitally interested in it. The Daughters of the American Revolution are also interested in it. This is not just a project of local interest; it is a national shrine that we propose to build.

Mr. RICH. Certainly, it is fine if you are trying to protect the Lutheran Church of America, because the gentleman knows what happened to the Lutheran Church in Germany. We do not want that to happen here.

Mr. ROBERTSON. The man in whose honor this monument is to be erected was a great Lutheran preacher, a preacher who loved his country, a preacher who called on his flock to fight for liberty, political as well as religious liberty, which are handmaidens, as the gentleman knows.

Mr. RICH. Does the gentleman believe that if this monument is erected here in America we will still have people fighting for American liberty?

Mr. ROBERTSON. I believe it will be an inspiration to the youth of the Nation to be true to the principles of our country. [Applause.]

Mr. RICH. I was going to oppose this bill, but if the gentleman will assure me that it will help to preserve American liberty, I will certainly have to let the bill pass.

Mr. ROBERTSON. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 1, line 3, after the word "of", strike out "$50,000" and insert "$25,000."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MEMBERSHIP OF GENERAL STAFF CORPS

Mr. MAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3843) to remove certain inequitable requirements for eligibility for detail as a member of the General Staff Corps for immediate consideration.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain what this bill does?

Mr. MAY. I shall be pleased to explain the bill, Mr. Speaker; and the first thing I want to say is that the bill does not call for the expenditure of any additional money.

Mr. MARTIN of Massachusetts. That is somewhat of a recommendation.

Mr. MAY. Under the existing law the General Staff is compelled to make up its detail of officers from students of either the War College or the Army school at Fort Leavenworth, Kans. It has been found that this is hampering the work and the efficiency of the General Staff. There are many officers in the service who have never seen either the War College or the Army school at Fort Leavenworth. Enabling the General Staff to use these Army officers means efficiency for the staff.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of June 4, 1920 (41 Stat. 759), be, and the same is hereby, amended to read as follows:

"SEC. 5. General Staff Corps: The General Staff Corps shall consist of the Chief of Staff, the War Department General Staff, and the General Staff with troops. The War Department General Staff shall consist of the Chief of Staff and 4 assistants to the Chief of Staff selected by the President from the general officers of the line, and 88 other officers of grades not below that of captain. The General Staff with troops shall consist of such number of officers not below the grade of captain as may be necessary to perform the General Staff duties of the headquarters of territorial subdivisions, appropriate installations, General Headquarters, armies, army corps, divisions, General Headquarters Air Force, brigades, and similar units, and as military attachés abroad. In time of peace the detail of an officer as a member of the General Staff Corps shall be for a period of 4 years unless sooner relieved."

SEC. 2. That the second paragraph of section 5 of the National Defense Act of June 3, 1916 (39 Stat. 166), as amended by the act of September 22, 1922 (42 Stat. 1032), be, and the same is hereby, rescinded.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address delivered by the Honorable Louis Johnson, Assistant Secretary of War, at Rock Island, Ill., several days ago.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that on Thursday of this week at the conclusion of the legislative business of the day I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the afternoon session and consider various bills, including the bill (H. R. 6449) to amend the act entitled "An act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes."

Mr. HOBBS. Mr. Speaker, I make a point of order against that request.

The SPEAKER. A unanimous-consent request has been submitted by the gentleman from New York.

Mr. HOBBS. I challenge the correctness of the statement that there was any request from the Committee on the Judiciary that it be permitted to sit for the consideration of the bill to which the gentleman has referred.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the sessions of the House this afternoon to consider various bills.

Mr. HOBBS. I make the same point of order, Mr. Speaker.

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may be permitted to sit during the sessions of the House this afternoon.

Mr. HOBBS. I object, Mr. Speaker.

ARMY MEDICAL LIBRARY AND MUSEUM BUILDING, DISTRICT OF COLUMBIA

Mr. MAY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 10455) to authorize the Secretary of War to to proceed with the construction of certain public works in connection with the War Department in the District of Columbia.

The Clerk read the title of the bill.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I may say I am going to object, not because I have any objection to the bill, but because I believe we are developing a bad practice here. Members get up and ask unanimous consent for the passage of bills without the minority membership of the committee being present;

and unless that situation is taken care of in the future I shall be constrained to object.

I object to the request, Mr. Speaker.

AMENDMENT OF FEDERAL AID ROAD ACT

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report and statement on the bill (H. R. 10140) to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I want to propound a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WOLCOTT. I understand that one of the House conferees refused to sign the conference report and expected to file a minority report. My parliamentary inquiry is whether a member of the conference committee may file a minority report, or whether there is any provision in the rules covering that matter.

The SPEAKER. In answer to the parliamentary inquiry of the gentleman from Michigan, the Chair will state that under the rules there is no provision whereby a minority member of a conference committee may file minority views on a conference report.

Mr. WOLCOTT. A further parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it

Mr. WOLCOTT. May a member file a minority report as a part of the proceedings without having it printed as a part of the conference report?

The SPEAKER. The member can extend his remarks in the RECORD and present his views, but not officially as a part of the conference report.

Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10140) to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 23, 24, 25, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 27, and to the amendment to the title; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$100,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$15,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$15,000,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: At the beginning of said amendment, strike out: "Sec. 15.", and insert in lieu thereof: "Sec. 13"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: At the beginning of said amendment, strike out: "Sec. 16.", and insert in lieu thereof: "Sec. 14"; and the Senate agree to the same.

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
Managers on the part of the House.
KENNETH MCKELLAR,
CARL HAYDEN,
J. W. BAILEY,
W. J. BULOW,
LYNN J. FRAZIER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10140) to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment No. 1: Amends the provision of the House by inserting the words "and supplemented" in connection with reference to a previous act.

On amendment No. 2: Authorizes $100,000,000 for regular Federal aid for the fiscal year ending June 30, 1940, instead of $125,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

On amendment No. 3: Authorizes $115,000,000 for regular Federal aid for the fiscal year ending June 30, 1941, as proposed by the Senate, instead of $125,000,000, as proposed by the House.

On amendment No. 4: Corrects a typographical error.

On amendment No. 5: Amends the provision of the House so that Federal aid funds will not be available for maintenance of roads in the District of Columbia, but only for construction.

On amendment No. 6: Authorizes $15,000,000 for secondary roads for the fiscal year ending June 30, 1940, instead of $25,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

On amendment No. 7: Authorizes $15,000,000 for secondary roads for the fiscal year ending June 30, 1941, instead of $25,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

On amendment No. 8: Strikes out the proposal of the House to permit expenditure of funds for grade-crossing eliminations only on the Fedral-aid highway system, leaving the present law as it is.

On amendment No. 9: Authorizes $20,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1941, as proposed by the Senate, instead of $50,000,000, as proposed by the House.

On amendment No. 10: Authorizes $30,000,000 for grade-crossing eliminations for the fiscal year ending June 30, 1941, as proposed by the Senate, instead of $50,000,000, as proposed by the House.

On amendment No. 11: Authorizes $10,000,000 for the fiscal year ending June 30, 1940, for forest highways, roads, and trails, as proposed by the Senate, instead of $14,000,000, as proposed by the House.

On amendment No. 12: Authorizes $13,000,000 for the fiscal year ending June 30, 1941, for forest highways, roads, and trails, as proposed by the Senate, instead of $14,000,000, as proposed by the House.

On amendment No. 13: Provides that the apportionment for forest highways in Alaska shall be $400,000 for each of the fiscal years ending June 30, 1940, and June 30, 1941, as proposed by the Senate, instead of $500,000, as proposed by the House.

On amendment No. 14: Authorizes $1,000,000 for the fiscal year ending June 30, 1940, for public land roads, as proposed by the Senate, instead of $2,500,000, as proposed by the House.

On amendment No. 15: Authorizes $2,000,000 for the fiscal year ending June 30, 1941, for public land roads, as proposed by the Senate, instead of $2,500,000, as proposed by the House.

On amendment No. 16: Authorizes $4,000,000 for the fiscal year ending June 30, 1940, for national-park roads and trails, as proposed by the Senate, instead of $7,500,000, as proposed by the House.

On amendment No. 17: Authorizes $5,000,000 for the fiscal year ending June 30, 1941, for national-park roads and trails, as proposed by the Senate, instead of $7,500,000, as proposed by the House.

On amendment No. 18: Authorizes $6,000,000 for the fiscal year ending June 30, 1940, for national parkways, as proposed by the Senate, instead of $10,000,000, as proposed by the House.

On amendment No. 19: Authorizes $8,000,000 for the fiscal year ending June 30, 1941, for national parkways, as proposed by the Senate, instead of $10,000,000, as proposed by the House.

On amendment No. 20: Amends the provision of the House that location of parkways upon public lands shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service, by inserting the word "hereafter."

On amendment No. 21: Authorizes $2,500,000 for the fiscal year ending June 30, 1940, for Indian roads, as proposed by the Senate, instead of $4,000,000, as proposed by the House.

On amendment No. 22: Authorizes $3,000,000 for the fiscal year ending June 30, 1941, for Indian roads, as proposed by the Senate, instead of $4,000,000, as proposed by the House.

On amendment No. 23: Strikes out the proposal of the Senate to make certain funds available for surveys, plans, and engineering and economic investigations of projects, without being matched by the States.

On amendment No. 24: Strikes out the proposal of the Senate to amend the provision of the House relating to sums withheld from the Federal-aid funds apportioned to any State as a penalty for diversion of road-user taxes by providing that such sums "shall be reapportioned" to the States, instead of the proposal of the House that such sums "are hereby authorized to be made available for reapportionment."

On amendment No. 25: Strikes out the proposal of the Senate to amend the existing law relating to diversion of road-user taxes to nonhighway purposes by the States.

On amendment No. 26: Strikes out the proposal of the Senate to change a section number.

On amendment No. 27: Amends the provision of the House relating to competition in highway construction to make the provision apply also to methods of bidding.

On amendment No. 28: Strikes out the proposal of the Senate to insert a new section providing that the Secretary of Agriculture shall determine and fix standards of design which shall control and be applied in the construction of highways and bridges.

On amendment No. 29: Directs the Chief of the Bureau of Public Roads to investigate and make a report of his findings and recommend to the Congress not later than February 1, 1939, with respect to the feasibility of building and cost of superhighways, not exceeding three in number, running in a general direction from the esatern to the western portion of the United States, and not exceeding three in number running in a general direction from the northern to the southern portion of the United States, including the feasibility of a toll system on such roads, as proposed by the Senate.

On amendment No. 30: Provides that this act may be cited as the Federal Aid Highway Act of 1938, as proposed by the Senate.

The Senate also proposed to amend the title so as to read: "An act to amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes."

WILBURN CARTWRIGHT,
LINDSAY C. WARREN,
WILL M. WHITTINGTON,
JESSE P. WOLCOTT,
Managers on the part of the House.

Mr. MOTT. Mr. Speaker, in reply to a parliamentary inquiry, the Speaker has ruled that there is no authority in the House for the filing of minority views with and as a part of a conference committee report. Therefore, I have asked for and have been granted leave by unanimous consent to extend my remarks at the point in the RECORD immediately following the copy of the conference report on H. R. 10140, as printed in the RECORD. I appreciate the consent of the House in this regard because it enables me to lay before it the dissenting views which I would have attached to the conference report had there been authority to do so.

MINORITY VIEWS OF MR. MOTT

I am unable to concur in the views and recommendations of the majority of my colleagues of the committee of conference upon the Senate amendments to the 1938 Federal aid highway bill, H. R. 10140. Therefore, I respectfully dissent from the foregoing conference report, and submit the following views in opposition to its adoption.

H. R. 10140 originated in the House. It authorized appropriation of $238,000,000 for Federal aid to States for road building for each of the fiscal years 1940 and 1941, or a combined authorization for the 2 years of $476,000,000. The break-down of these authorizations as provided in the House bill is as follows:

Regular Federal aid	$125,000,000
Secondary or feeder roads	25,000,000
Elimination of grade crossings	50,000,000
Forest highways, roads and trails	14,000,000
Public-lands highways	2,500,000
National park roads and trails	7,500,000
National parkways	10,000,000
Indian reservation roads	4,000,000
	238,000,000

The House bill was reported unanimously by the House Committee on Roads at the conclusion of hearings extending over a period of 3 weeks. Expert testimony was given by 80 witnesses, among whom were many of the most outstanding authorities on road legislation in the United States. The testimony of these experts covers 699 pages of the printed hearings. The hearings were public and open to everyone, and yet no single witness appeared in opposition to the House bill.

In spite of the President's road bill reduction measure, which came in before the hearings opened and to which I shall later refer, every Government witness, including the Chief of the Bureau of Public Roads, the representatives of the Forest Service, the Interior Department, the C. C. C., and the National Park Service, gave emphatic testimony in favor of reporting H. R. 10140 to the House without amendment. Representatives of many of the highway commissions of the 48 States appeared before our House Committee on Roads. Without exception all of these State highway commissions or departments urged that the full amounts for Federal aid to States for road building, as provided in the House bill, be retained.

It is doubtful whether any bill in recent years has received from a committee such thorough, complete, and scientific consideration as that given to the 1938 road-authorization bill by the Roads Committee of the House. The best evidence of this is the fact that after several hours of debate in the House under an open rule providing for unlimited amendment, the House passed the bill without any important amendment, without reducing any of the authorizations in the bill, and without a single dissenting vote.

The bill, having thus passed the House, was sent to the Senate and was referred to the Senate Committee on Post Offices and Post Roads. The Senate committee, after holding the bill for 1 week but without having held any public hearings thereon after the House had passed it, reported it to the Senate with amendments reducing by $161,000,000 the amounts authorized by the House bill for the combined fiscal years 1940 and 1941. The Senate passed the bill in its amended form as reported by the Senate committee, with little debate and, as I am informed, with less than one-third of the Senators present on the floor at the time the bill was passed. It is obvious, therefore, that H. R. 10140, after it passed the House, was given slight consideration either by the Senate committee or by the Senate itself.

In conference $35,000,000 of the reductions made by the Senate were restored, and the conference report now before us recommends a net reduction in the amounts authorized by the House bill of $126,000,000 for the combined fiscal years 1940 and 1941, or an average reduction of $63,000,000 for each of the years 1940 and 1941.

My reason for dissenting from the report of the majority of the conferees is that the record discloses no single fact, nor any testimony whatsoever, either before the House or Senate Roads Committee or the conference committee, upon which the reductions recommended in the conference report can be justified, and that no member of the Roads Committee of either body, so far as I have been able to learn, is personally in favor of the reductions recommended in the conference report.

A number of members of the conference committee who signed the conference report frankly stated in committee that there was no ground upon which these reductions could be defended, and that the only reason for recommending them was because the President had demanded them and that in their opinion he would veto the bill unless the House and Senate agreed to the reductions.

It is unnecessary for me here to make any defense of H. R. 10140 as unanimously reported by the House Committee on Roads and as unanimously passed by the House. It needs no defense. The unanimous vote of the House is the best evidence of the real convictions of the Members of the House in that matter. If now the House wishes to accept the Senate amendments and to acquiesce in the arbitrary and indefensible reduction of $126,000,000 from the House bill simply because the President has demanded these reductions, the House may do so. As a Member of the lawmaking department of the Government, I do not care to be a party to the slashing of the admittedly necessary authorizations in this bill just because the Chief of the executive department of the Government wants them slashed. If the actions of the Congress in the performance of its constitutional lawmaking duties and responsibilities are to depend solely upon the desires of the Chief Executive, the Congress, in my opinion, may as well adjourn permanently.

An effort was made in the Senate committee report to justify the Senate amendments upon the alleged ground that there will be available to the States as a carry-over from apportionments made under previous highway legislation of $80,000,000 for regular Federal aid and a carry-over of $20,000,000 for feeder roads, as well as carry-overs for forest roads, grade-crossing elimination, public-land roads, and all other items included in the road-authorization bill.

This contention, in the opinion of all with whom I have discussed it, is mere sham and cannot be sustained by any facts whatever. It is purely a subterfuge to conceal the bald fact that the House is being asked to acquiesce in the Senate amendments solely because the President has demanded it. The carry-overs mentioned in the conference report may exist in theory and on paper, but that is all. The average State at the time the 1940 Federal-aid road money becomes available will have no carry-over at all, and I think every member of the conference committee is fully aware of that fact.

In order to confirm my own conviction upon this point, so far as my own State is concerned, I wired the Oregon Highway Commission asking for the facts in this regard. I received the following reply:

Reasonably anticipated revenues indicate State will be able to take up in orderly manner entire 1940 and 1941 authorization contained in House bill. Major portion of funds stated by Bureau of Public Roads to be available to Oregon is from 1939 authorization only recently available. Obviously orderly and efficient procedure requires contracting of these sums to be spread over 12 months' period. Substantially all 1939 allocations will be obligated before 1940 moneys available. Full amounts authorized in House bill needed to continue orderly improvement program of highways in this State.

HENRY F. CABEL,
Chairman, Oregon Highway Commission.

If any Member of the House or Senate believes that his State will have a carry-over of Federal-aid highway funds at the time the Federal-aid money becomes available to his State under H. R. 10140, I respectfully suggest that such Member wire his own State highway department before voting to accept the Senate amendments. I would have no hesitancy in assuring that Member that in all probability he will receive substantially the same reply to his telegram as that contained in the telegram from the Oregon Commission which I have quoted.

I have no desire here to criticize the President's well-known views and theories on road legislation. I simply call attentention to the fact that he made his views and theories upon this subject perfectly clear to everyone long before the House passed H. R. 10140, and that every Member of the House was fully aware of them when he voted for this bill. In the early part of the session the President in his message asked that the 1939 road-aid authorization be canceled altogether. He further recommended that the appropriation to be made this year for Federal aid to States for road building in 1939 be reduced by approximately 60 percent. He went further and asked that for the next few years road authorizations be reduced to $125,000,000 annually, an amount little more than half of that which the States are now, and for a number of years past have been, receiving in Federal aid for road building. He made this recommendation in the face of the fact road mileage and road users are increasing at a more rapid rate than ever before and that such a great reduction would not only disrupt the road program of every one of the 48 States but would throw thousands upon thousands of men out of employment and onto relief. Furthermore, he made that recommendation in the face of the fact that the Federal Government is collecting from the road users of the several States approximately $350,000,000 per year in Federal gasoline and other automotive taxes, or nearly three times as much as the President in his message proposed that the States should be granted by way of Federal aid in road building.

But the President did not stop there. He went still further and asked the Congress to repeal that part of the Federal-aid road law which provides that when Federal-aid road funds are authorized and apportioned to the States the apportionment becomes a Federal obligation to the States. This provision, as everyone knows, is the heart of our Federal-aid road policy, without which no State can intelligently plan or carry out an orderly road-building program.

I say I have no desire here to criticize the President's views and theories on road legislation, and I am not here criticizing them. I am simply reminding my colleagues what those views and theories are. In this connection I may observe, however, that I have never yet seen a Member of Congress who agrees with the President's ideas and theories in this regard. The refusal of the House to act upon any of the recommendations contained in the President's message, and its unanimous approval and passage of H. R. 10140, as reported from the committee, is ample proof of that.

In conclusion may I again submit that no legitimate reason has yet been advanced why the House should concur in the Senate amendments or why it should adopt the conference report. Admittedly the only reason that can be urged for any of the reductions recommended in the conference report is that the President has demanded them; and in that regard I respectfully suggest, in view of the President's known attitude toward road legislation, that his wishes alone in this matter do not constitute a reason sufficient to warrant the House in crippling its own road-authorization bill, the merit and the necessity of which is openly and frankly admitted by every Member of this body, and which only a month ago was given the unanimous and enthusiastic endorsement of the House.

CHANGING NAME OF PICKWICK DAM TO RANKIN DAM

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. PIERCE. Mr. Speaker, I have introduced a bill to name the Pickwick Dam, on the Tennessee River, the Rankin Dam, after our distinguished colleague, Hon. JOHN E. RANKIN, of Mississippi.

Every Member of this body knows that if it had not been for the efforts of the gentleman from Mississippi [Mr. RANKIN] Pickwick Dam never would have been built. He was not only coauthor with Senator NORRIS of the bill which finally became the law creating the Tennessee Valley Authority, but he has been the most enthusiastic and energetic supporter of the T. V. A. program in the House from that day to this.

The bill creating the T. V. A. was introduced in the Senate by Senator NORRIS and in the House by Mr. RANKIN. The House Committee on Military Affairs reported another bill, which was not satisfactory to either Senator NORRIS or Mr. RANKIN; nor was it satisfactory to the President of the United States.

We remember the strenuous efforts of the gentleman from Mississippi to get the Norris-Rankin bill substituted for the House bill on a motion to recommit. He lost in the House, simply because the House did not understand the proposition. But when the measure reached the Senate, on motion of Senator NORRIS, all after the enacting clause was stricken out and the Norris-Rankin bill inserted. In that form the measure passed the Senate almost unanimously. When it returned to the House Mr. RANKIN had organized the friends of public power in favor of the measure as it passed the Senate. They blocked a unanimous-consent request to send the bill to conference. The Rules Committee was then asked for a rule to send the measure to conference.

Mr. RANKIN, as the leader of our group, which has come to be referred to as the "public power bloc" in the House, went before the Rules Committee and opposed sending the measure to conference without instructions. He pointed out that of the 10 men who would be selected as conferees, 9 of them had voted against the Norris-Rankin bill and in favor of the House bill, either on his motion to recommit in the House, or on a motion that was made to substitute the provisions of the House bill when the measure was before the Senate.

It was finally agreed that Mr. RANKIN was to have the right to offer a motion to instruct the conferees to accept the Norris-Rankin bill and that he should have an hour's time for debate, provided he would give half of the hour to the opposition, or secure additional time for them by unanimous consent.

He conferred with Senator NORRIS, who took the floor of the Senate that afternoon and denounced the House bill in unmeasured terms. Next morning Mr. RANKIN and Senator NORRIS got word to the White House that the measure was in danger. The President immediately called the chairman of the Military Affairs Committee and Senator NORRIS down and went over the proposition and approved the Norris-Rankin bill, just as it had come from the Senate, with a few minor changes.

Senator NORRIS called Mr. RANKIN over the telephone from the White House and told him what had been done. He said it had been agreed that the measure should go to conference with the understanding that the bill, as amended in the Senate, should be adopted—that is the Norris-Rankin bill—with a few minor changes, and told Mr. RANKIN that he was at liberty to announce this arrangement to the House and to the public. I was here at that time, and I remember that when the gentleman from Mississippi arose and made that statement to the House, it was greeted with a burst of applause, because the Members who believe in the principles of the T. V. A. had come to realize just what was involved.

The bill went to conference and came back just as it had passed the Senate except for a few minor changes, with all after the enacting clause stricken out and the Norris-Rankin bill substituted for the House bill, and the conference report was adopted by an overwhelming majority.

If it had not been for his untiring efforts, the bill would have gone to conference, an unfriendly conference, without instructions, and the chances are 10 to 1 that the provisions of the old House bill would have been accepted and that neither Pickwick Dam, nor any other dam, would have been constructed on the Tennessee River by the T. V. A.; nor would the people in that area have received the benefits of cheap electric energy which the T. V. A. now affords them, and the farmers never would have had a look-in.

When the bill was finally passed, it was at first understood that what was called the Cove Creek Dam should be renamed Norris Dam for Senator GEORGE W. NORRIS, the father of T. V. A. in the Senate, and that Pickwick Dam, when constructed, should be named the Rankin Dam in honor of our distinguished colleague from Mississippi, the father of the T. V. A. in the House, the coauthor with Senator NORRIS of the bill creating the T. V. A., and without whose assistance the measure would never have been passed in such a form as to make the construction of Pickwick Dam possible.

The Pickwick Dam is now about completed, and I submit that the Congress could do nothing more fitting or appropriate than to name it "Rankin Dam," in honor of the gentleman from Mississippi, who is more responsible for the creation of the T. V. A., and for its successful operation than any other man in the House.

For some years the T. V. A. has had many friends on this floor since its creation, but none as conspicuous, active, or effective as JOHN E. RANKIN, of Mississippi. His services for the T. V. A. have been outstanding. I think among the things he has done, the most important and convincing was the table that he published some time ago showing the cost of electricity in every State of the Union. In that table he compared the present cost with the cost of electricity at Tacoma, T. V. A., and Ontario, Canada. In this table he shows that my own State of Oregon was paying seven and one-half million dollars annually for electricity more than it would pay if it had T. V. A. rates, and that the Nation in its entirety is paying one thousand million dollars more annually for electricity than if it were paying the T. V. A. rates.

JOHN RANKIN has not only led the fight for the creation and operation of the T. V. A., but he has led the fight for cheap electricity for the American people in this body. He is our leader on the power question. Everyone who is interested in cheap electricity, from one end of this country to the other, is familiar with his name, and with the great work he has done in the interest of the ultimate consumers of electric light and power.

He has been bold and aggressive in this fight. He has not flinched or hesitated under the criticism or attacks of the power interests or their subsidized press. He has been abused, maligned, and misrepresented, but it has not feazed him. I know what it means to wage such a battle against such odds. During the time that I was Governor of the State of Oregon, and since I have been a Member of this House, I have had these same interests to deal with in every attempt I have made to secure for my people relief from the exorbitant overcharges for electric energy. I know that it has taken courage, ability, and determination for the gentleman from Mississippi to carry on this fight.

Thanks to the construction and operation of the great Bonneville project on the Columbia River, we are now about to succeed, and the people of the great Northwest are about to enter into that enjoyment of cheap electricity now enjoyed by the people in the T. V. A. area. In the construction of the Bonneville Dam, and its operation under the supervision of J. D. Ross, one of the greatest public servants in America, I am able to see my dream come true. The people along the Columbia River will ever be grateful to the gentleman from Mississippi for his loyalty and support in our efforts to develop the Columbia River and to get the power generated thereon distributed to the people at the yardstick rates.

He has been referred to as the "father of rural electrification." He has contributed to the cause in every nook and corner of the United States, and has been responsible for the electrification of more farm homes than any other man in public life, with the probable exception of Senator NORRIS. Every farmer throughout the country who is interested in rural electrification knows of the work he has done.

We all witnessed the brilliant fight he waged on this floor only a few days ago for an authorization of $100,000,000 for rural electrification, when he won a sweeping victory of almost 2 to 1.

He has stated repeatedly that he wanted to leave as his monument cheap electricity in every farm home in America, and I might add that, regardless of what we may do here, he will leave a monument of gratitude in the hearts of the farmers of this Nation, as well as all other consumers of electricity, for his untiring efforts in their behalf.

But we owe it to him to dedicate to him, as a token of the Nation's gratitude, this great monument which he has helped to build, and which never would have been built except for his persistent efforts.

We all remember that sometime ago the vote on the Gilbertsville Dam was lost in the House. Mr. RANKIN was ill at the time and was only able to come to the House and vote. When it came up a second time, he left a sickbed, took command of the fight, organized his forces, and saved the day for Gilbertsville Dam.

He was also coauthor with Senator NORRIS of the resolution providing for the electric-rate surveys of the various States by the Federal Power Commission. These surveys have had a wonderful effect in bringing about rate reductions, by informing the public on the subject of light and power rates.

Pickwick Dam, as I have said, is now about completed. It is located right at the corner of Mr. RANKIN'S district. It was at first thought that one end of it would be in Mississippi, in the district which he represents; but because of topographic features of the region, another location a short distance north of the Mississippi line was selected.

By all the rules of the game, Mr. RANKIN is entitled to the honor of having this dam named for him. I believe I speak the sentiment of the entire membership of this House when I say that. If put to a roll call, I doubt if there would be a dissenting vote.

So I say that we should pass this measure now, to honor the man who has done so much for the creation of the T. V. A., who has contributed so much to the relief of the electric consumers of the Nation from exorbitant overcharges, and who has dedicated his services here to the proposition of electrifying every farm home in America at the yardstick rates, or at rates the farmers can afford to pay.

Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein the bill which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The bill referred to reads as follows:

A bill to change the name of Pickwick Landing Dam to Rankin Dam

Be it enacted, etc., That the dam now being constructed on the Tennessee River, and heretofore known as Pickwick Landing Dam, shall be known and designated on the public records as Rankin Dam in recognition and commemoration of the great services rendered in behalf of Tennessee Valley Authority by Congressman JOHN E. RANKIN, of Mississippi.

SEC. 2. All records, surveys, maps, and public documents of the United States in which such dam is mentioned or referred to under the name of Pickwick Landing Dam, or otherwise, shall be held to refer to such dam under and by the name of Rankin Dam.

That this act shall take effect and be in force from and after its passage.

WILL WE HAVE A BLOODY REVOLUTION IN THE UNITED STATES?

Mr. BURDICK. Mr. Speaker, I ask unanimous consent at this point in the RECORD to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. Mr. Speaker, about a year ago Members of Congress were asked by the Review of Reviews to express their opinion as to the proper length of term a Member of Congress should be elected to, and of all the articles that subsequently appeared in that magazine, I believe that mine was the only one that advocated a term of 2 years as was fixed by the framers of the Constitution.

My reason for leaving the matter as the Constitution fixed it was that of all the agencies or Departments of Government, the House of Representatives is the one nearest to the people and the body that should—under the Constitution—control the purse strings of the Nation, without which no government can operate. No bill providing for the appropriation of money can originate in Congress unless it first comes before the House. For this reason, and because of the nearness of this body to the people, the House of Representatives always has been and is the most important governing body in the entire Government of the United States.

Our forefathers evidently recognized this and desired, in that day, because of the recent conflict with royalty, to keep this Government always close to the people. This Government now is close to the people just as the framers of the Constitution intended, providing the people were able to present unity of action at the polls. By not amending the Constitution to provide longer terms for Congressmen, the people retain the possibility of expressing their will in the Congress of the United States. To give up this control would be a disaster to popular government.

One reason, and really the only reason why I do not believe there will be any revolution in this country by force and violence is that the Government is so close to the people that the results of such a revolution can be obtained at the polls without bloodshed.

Every 2 years every last Member of Congress must submit his candidacy to the people, and in theory at least, the people have an opportunity every 2 years to take absolute control of the most important agency of Government and the one agency without which the Government could not continue a single day.

What has kept the people during the past 70 years from controlling their own Government? What power has existed in this country that has year after year thwarted the will of the people? My answer to these questions is that a select few in this country, through special privilege granted them by Congress, have amassed great wealth while the many have grown poor. Through the power granted by law these few have organized themselves into great corporations which do not intermingle with the people, but remain aloof and entrenched and actually dominate the situation locally and wherever they operate. Through bylaws they actually make all laws of their own operation and which in effect control the destinies of the people depending upon them for a livelihood.

These corporations, in order to acquire more special privilege, naturally concerned themselves with political parties and in time not only greatly influenced the policies of these parties, but in some instances actually dominated them. To make sure of their control of the policies of these parties, these corporations contributed campaign funds to both major parties to make sure that no matter how the election turned out, they would still be the winner. In this process, the rights, the interests of the voter, and the welfare of the entire country have been quite forgotten. The influence of these corporations on the public mind has been and still is far reaching. In the Federal Reserve System and the Treasury Department it is apparent today. Up to the present hour no one has ever been put in charge of either institution who is not in full sympathy with the private use of Government money. It makes no difference to this system whether the responsible officers in charge are Republicans or Democrats. We have had a Democratic administration for 6 years now, and I will assert that there are more Republicans holding responsible positions in the many Government financial institutions of the country than there are Democrats. But the essential point is that these men belong to the "fraternity," which is more powerful than either party. The men behind the party, the money-minded corporations, use their influence and maintain the private control of Government money, no matter what administration is in power.

This party system of Government has grown so powerful that only two parties are nationally recognized—namely, the Democratic Party and the Republican Party. Custom and habit, too, have contributed to this evil of government, until the people seem to regard the political situation as upset should any third, fourth, or fifth party be attempted that might possibly take dictation from the people instead of the corporations. Two of the most popular men in the United States during the last 50 years tried to change this two-party system and failed—Theodore Roosevelt and Robert M. La Follette. In my judgment, while I would personally support the move, I am forced to conclude that a third party movement at this time would also meet with failure.

Notwithstanding this apparently hopeless situation, it seems clear to me that the people can in November this year gain absolute control of this Government and smash for all time the control of it by corporations. It is the way this can be done that I now desire to discuss.

Leave the two-party system nationally as it is, and through education of the voters control those parties here in the Congress of the United States. Let the people first determine what they want, what principles of legislation they propose, and what measures they demand. When that is done, demand of the candidates for the House of Representatives endorsement of those principles or in a mass refuse to vote for them. Do not think for a moment that Members of Congress are not aware of this power of the people. They know it too well, and many of them hope that the people will follow along behind the party blindly as they always have. Having found candidates either in the Democratic or Republican Parties who are willing to openly commit themselves to the principles and measures demanded by the voters that Congressman will stay with the people who elected him. There would be mighty few exceptions. In districts where neither a Republican nor a Democrat would be willing to commit himself to these principles an independent candidate can be put up by the people themselves in most of the States—in at least enough of the States to control Congress.

In this manner the machinery of the two great parties can be utilized without any expense and the purposes of the people secured. Independent candidates can be elected in districts and even in State-wide areas as that has already been done in several States—Wisconsin, Minnesota, North Dakota, and California are leading examples.

Having elected a majority of the Congress the matter of control by the people would be comparatively easy. First of all the rules of the House should be overhauled and all gag proceedings voted out, to the end that any bill having the support of any considerable number of people could be decided upon its merits. Instead of having closed hearings, all hearings should always be open to the public. Instead of allowing a select few in each party to select the members of

committees, the committee members should be selected by the whole House by a vote of the whole House. This would prevent committee packing and would allow Members of proper qualifications to sit upon those committees according to their worth to the people. As the matter is conducted today it makes no difference how qualified a Member may be to act upon a committee he cannot secure the place unless the party managers in Congress see fit to let him sit on a committee. If a Member is independent and does not feel inclined to support this committee system, the independent is summarily dealt with and relegated to the outside.

While the Republican minority has nothing to say about the appointment of the Democrats who compose the majority of the committee, yet the Republican organization in the House, under custom long established by both parties, appoints usually one-third of the committee and there is no appeal from their decision in these appointments. Thus it will be seen that a defeated party, provided it is one of the two recognized parties, has one-third of its old power in defeat and two-thirds in victory so far as its power in the House of Representatives is concerned.

The two-party control, yes, absolute control of Congress is the greatest danger confronting the existence of this Government, and I know no other way to break this control than through the independent voting of the people at the polls.

What difference does it make which party label a candidate wears—Republican or Democrat—providing that candidate is willing to stand with the people in their demands for the cleaning out of the present rules of Congress and the enactment of legislation which they demand? The only reason in the world why this has not been done before is because the people at the polls have refused to do it.

No revolution, no matter how bloody, could give the people any more rights than they now possess. Through inaction, unconcern, and positive negligence they have followed the custom of the country, and have permitted the political parties, through their leaders, to control the affairs of Government. This continued depression has done one good thing—people have at least stopped long enough to think, and today they are thinking more than they have ever done before. If they will keep right on thinking and express that thought at the polls, they will be in absolute possession of this Government before January 1, next year.

I have attended now five sessions of this Congress, and outside of remedial legislation and temporary relief, we have accomplished very little in the way of ultimate happiness for the people of the United States. I need only refer to a few matters to make myself clear.

We have appropriated and spent $20,000,000,000, which when paid with interest will amount to fifty billion, to lift us out of the depression, and here we are more mired down than we were before we started this program.

The private financial fraternity of the Nation still unconstitutionally controls the Government's cash and credit to the extent that they pay nothing for this cash and credit and in turn loan it out to the people on interest, not only on the amount borrowed from the Government, but 5, 10, 15, and 20 times the amount so borrowed, until today the public and private debt, drawing interest, is close to $300,000,000,000. The average interest rate on this sum is 5 percent per annum; hence, annually the people of the United States must pay $15,000,000,000 in interest, or more than the combined income of agriculture and labor annually during the past 6 years. Approximately one-third of our national income for the same period has gone down the interest rat hole. In other words, the buying power of a dollar during this period has been depreciated 33⅓ cents on interest account alone. When we add the tax burden to this, which must be kept up to sustain the payment of interest, every dollar is discounted 51 cents. This should make it most plain that our buying power has been forced out of the country through this interest system, made possible through the private control of the Nation's cash and credit.

The other question to be asked is, How long can we continue this way? If all of the property in the United States were offered today for sale, it would not bring enough to pay the $300,000,000,000 debt, public and private. Is there anyone, therefore, who can think at all, who will defend this system? No such defense can be made to the people when they know that it was not necessary at all to permit this system to operate. Farmers and laborers may be dumb—they may be as dumb as Congress itself—but they know that if the Government's name is good on a bond sold to the banks, that the Government's name is just as good on a greenback that draws no interest at all. Yet we continue the practice of issuing bonds drawing interest, and most of them tax-free, and selling them to the private banking fraternity, who collect interest on the bonds and trade them back to the Government for greenbacks for which they pay nothing.

Do you not suppose the people want to stop this practice? Do you not suppose the people of the United States want House Joint Resolution 317 passed, that will assert the control of Congress over this money and credit of the people, and stop the private loot that threatens the destruction of every home, every family in this country?

Yet this cannot be done under our two-party system with its committee system packed with men who do not know what to do, or knowing, who do not care to act. This resolution remains in the committee of the House as dead as was Tutankhamen after his burial of 4,000 years in Egypt.

All our relief, except a scant and meager sandwich system, has gone to the financing of banks, insurance companies, trust companies, railroads, and other corporations; but no buying power has ever been put down at the bottom of our social structure. The buying power among the people is lower today than it was 6 years ago. Business is not only at a standstill but business places in every city of the United States are closing in amazing numbers. No business—no buying power.

Many millions of people have petitioned Congress to end the depression by distributing money at the bottom and keep it circulating. They have proposed the Townsend recovery plan, which will do this very thing by using the aged of the country as the agents of this money distribution at the bottom and keep it circulating. In my judgment, no better plan for the recovery of business, the betterment of the conditions of every man, woman, and child in the United States was ever proposed. The objections to the plan have been answered, or can be. The one stock objection that such a plan would increase the cost of living beyond any possible endurance has been answered. Many Members of Congress—at least 151 of them—know that no such result will follow—that the buying power supplied at the bottom would wake up the whole dead business structure and that the tax imposed on transactions could be absorbed in increased business which the business of the Nation does not now have. Everyone in this country wants to buy necessaries—14,000,000 jobless cannot buy; 61,000,000 in the United States who cannot borrow any more money want necessaries—wants crowd in on us from every side, but these wants cannot be satisfied because the people cannot buy. They have no money; their buying power is gone; they do not want to borrow if they could. They want to work; they want to live a normal life under the greatest Constitution in the world.

Can we pass any such law? Not on your life. That bill is peacefully slumbering in the committee under our two-party system. This system says this is not a good bill for the people—it is a bad bill, so bad that this committee will not trust the House of Representatives to vote on it. How do you like this party control of our Government?

The fact that Congress has not taken action to remedy this situation cannot be blamed to the President. Under the Constitution, he has his own duties to perform; we have ours. Since I have been here the President has never interfered with me in my official duties, nor has he, in my judgment, interfered with anyone else. It is idle to blame the President, the Supreme Court, or any other department of Government for the failure of Congress to act on

these important measures pending before the Congress. It is the fault of Congress; finally, it is the fault of the people in not electing Representatives who will perform their constitutional duties and assume full responsibility for their action.

My message to the voters of the United States is: Go to the polls in November and get control of your Government; elect your men to Congress and smash the rules of the House, and elect members to committees under a plan of merit and not years of mis-service. Let the people's voice be heard, and not the voice of the corporations. Start a political revolution in this country now and end it at the polls in November. If you do, you will win for the first time since the Civil War, and you will, for the first time in that period, be in control of your own Government.

The only government in the world today which holds out to the people the greatest right to self-government is the United States of America. Let us defend it. Let us drive its enemies out and let the people in; we can bring to the people life—the right to the necessities of life which millions today do not enjoy. Let us bring back liberty, which is fast disappearing through destitution and doles. Let us bring back happiness where despair and gloom reign. Let us remember the words of Edmund Burke when he said:

It is easier to make free men slaves than it is to make slaves free men.

COMMITTEE ON THE JUDICIARY

Mr. CELLER. Mr. Speaker, I now ask unanimous consent that the Committee on the Judiciary may have permission to sit today during sessions of the House to consider noncontroversial bills reported from its subcommittee No. 2.

Mr. MICHENER. Mr. Speaker, reserving the right to object, I could not hear the gentleman's request.

Mr. CELLER. I have asked unanimous consent that the Committee on the Judiciary of the House may sit during sessions of the House this afternoon to consider noncontroversial bills from its subcommittee No. 2.

Mr. TABER. Mr. Speaker, reserving the right to object, what does the gentleman call noncontroversial bills?

Mr. CELLER. Bills that are not subject to any objection on the part of any members of the committee.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. SCHNEIDER of Wisconsin. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include in connection therewith a letter directed by me to the President and the Secretary of State.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

MILITARY ESTABLISHMENT APPROPRIATION BILL—CIVIL FUNCTIONS, WAR DEPARTMENT APPROPRIATION BILL

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent that I may have until midnight tonight to file a conference report on the bill (H. R. 9995) making appropriations for the Military Establishment for the fiscal year ending June 30, 1939, and for other purposes, and the bill (H. R. 10291) making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUBMARGINAL LANDS

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a letter from the Assistant Secretary of the Interior addressed to me, dated May 10, showing that the Federal Government at the present time is developing millions of acres of land in the West and Northwest, when the Federal Government, under the Agricultural Department, at the same time is trying to buy up about 40,000,000 acres of submarginal lands.

The SPEAKER. Is there objection?

There was no objection.

The matter referred to is as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, May 10, 1938.

Hon. ROBERT F. RICH,
House of Representatives.

MY DEAR MR. RICH: Your letter of April 20 has been received. You ask for an itemized statement showing the Federal reclamation projects which are now under construction or have been under construction during the past 4 years and which would put additional lands under irrigation. There is enclosed a statement which I trust will give you the desired information.

You asked also concerning proposed irrigation projects that will bring in new land. None of the projects authorized by Congress, construction of which has not yet been undertaken, are planned to bring in new lands. They only contemplate the development of supplemental water supplies for existing areas already under irrigation.

In making estimates of additional lands to be brought under irrigation, it has been assumed that funds will be made available to permit of an orderly program of construction. The estimated acreages will be increased or decreased in accordance with the rate at which funds are made available.

Sincerely yours,

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

MAY 4, 1938.

ADDITIONAL LAND TO BE BROUGHT UNDER IRRIGATION ON BUREAU OF RECLAMATION PROJECT

Gila project, Arizona: First unit of 150,000 acres under construction. Estimated rate of irrigation: 1943, 10,000 acres; 1944, 20,000; 1945, 30,000; 1946, 30,000; 1947, 30,000; 1948, 30,000.

Boulder Canyon project, all-American canal system, California: Construction of the main all-American canal (now nearing completion) and the Coachella branch canal (not yet undertaken) will provide water for the irrigation of 521,600 acres in the Imperial Valley and 152,930 acres in the Coachella Valley. The Imperial Valley lands are now irrigated from the Imperial Canal. About 16,000 acres in the Coachella Valley are now irrigated from wells, leaving about 137,000 acres of additional lands to come in. The canal to the Coachella Valley will be completed probably in 1942, but construction of a lateral distribution system has not been authorized. It will probably be several years after the completion of the canal before the entire Coachella Valley is under irrigation.

Boise project, Payette division, Idaho: Under construction. Total irrigable area, 47,800 acres. Estimated rate of additional lands coming in: 1939, 5,000; 1940, 15,000; 1941, 15,000; 1942, 12,800.

Pine River project, Colorado: Under construction. The total ultimate irrigable area is 69,000 acres, of which 17,000 acres are Indian lands. Additional lands to be irrigated total 35,000 acres, while a supplemental supply will be provided for 34,000 acres now under irrigation. While the storage reservoir will be completed in 1942, it will be several years before the 35,000 acres of new lands will be irrigated.

Buffalo Rapids project, Montana: The Glendive division of approximately 12,000 acres is now under construction, and construction work should be completed in 1942.

Sun River project, Montana: The Sun River Slope division, now under construction, comprises 17,033 acres, of which 4,556 acres are now irrigated. The remaining 12,477 acres will be brought in during 1938 and 1939.

Vale project, Oregon: This project of 30,000 acres was completed in 1937.

Klamath project, Oregon-California: The Tule Lake division, now under construction, comprises 33,000 acres, of which 21,500 are now irrigated. Five thousand one hundred acres will be brought in this year and 6,400 acres in 1939.

Owyhee project, Oregon-Idaho: Under construction, 115,383 acres. Of this area, 92,433 acres are now irrigable; 21,704 acres will be brought in during 1938 and 1,246 acres in 1939.

Grand Coulee Dam project, Washington: Dam and power plant are now under construction. The ultimate irrigable area of the project is 1,200,000 acres. The first unit of 150,000 acres can be brought under irrigation by 1943, and, under a reasonable plan of construction, 50,000 acres would be added yearly thereafter, the entire project to be completed in 1964.

Yakima project, Roza division, Washington: This division of 72,000 acres is now under construction. It is estimated that the rate of completion will be about as follows: 1942, 7,000 acres; 1943, 15,000; 1944, 15,000; 1945, 15,000; 1946, 15,000; 1947, 5,000.

Kendrick project, Wyoming: This project of 35,000 acres is now under construction. About 10,000 acres can be brought in by 1942, 10,000 in 1943, 10,000 in 1944, and 5,000 in 1945.

Riverton project, Wyoming: Of this 100,000-acre project, 32,000 acres are now irrigated and 68,000 acres of additional lands will be brought under irrigation at an estimated rate of about 5,000 acres yearly, with completion about 1952.

Shoshone project, Heart Mountain division, Wyoming: Under construction. Total irrigable area is 41,000 acres. The canal distribution system should be completed at the following rate: 1942, 10,000 acres; 1943, 10,000; 1944, 10,000; 1945, 11,000.

Additional lands to be brought under irrigation

Project	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948
Gila, Ariz.						10,000	20,000	30,000	30,000	30,000	30,000
All-American Canal, Calif. (main canal completed in 1939; branch canal completed in 1942).											
Boise-Payette, Idaho		5,000	15,000	15,000	12,800						
Pine River, Colo. (storage reservoir completed in 1942).											
Buffalo Rapids, Mont.					12,000						
Sun River-Sun River slope, Mont.		12,477									
Klamath-Tule Lake, Oreg.-Calif.	5,100	6,400									
Owyhee, Oreg.-Idaho	21,704	1,246									
Grand Coulee Dam, Wash.[1]						150,000	50,000	50,000	50,000	50,000	50,000
Yakima-Roza, Wash.					7,000	15,000	15,000	15,000	15,000	5,000	
Kendrick, Wyo.					10,000	10,000	10,000	5,000			
Riverton, Wyo.[2]			5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Shoshone-Heart Mountain, Wyo.					10,000	10,000	10,000	11,000			
Total	26,804	26,123	20,000	20,000	56,800	200,000	110,000	116,000	100,000	90,000	85,000

[1] 1949 to 1964, inclusive, 50,000 acres yearly.
[2] 1949, 5,000; 1950, 5,000; 1951, 5,000; 1952, 8,000.

STATUS OF LANDS

Project	Public land			State land unsold	Indian land	Private land		Total
	Entered	Open	Withdrawn			Railroad unsold	Other	
Gila, Ariz.	1,923	0	112,669	18,625	0	0	17,143	150,000
All-American Canal, Calif.	962	0	10,245	1,040	15,472	21,131	625,680	674,530
Boise-Payette, Idaho	0	0	7,320	3,980	0	0	36,500	47,800
Pine River, Colo.	0	0	0	600	17,000	400	51,000	69,000
Buffalo Rapids, Mont.	0	0	0	0	0	0	12,000	12,000
Sun River-Sun River slope, Mont.	321	0	12,477	1,250	0	0	2,985	17,033
Vale, Oreg.	3,862	0	0	0	0	0	26,138	30,000
Klamath-Tule Lake, Oreg.-Calif.	20,184	0	12,582	0	0	0	234	33,000
Owyhee, Oreg.-Idaho	7,939	1,204	6,560	4,904	0	134	94,642	115,383
Grand Coulee Dam, Wash.	0	0	60,000	60,000	0	60,000	1,020,000	1,200,000
Yakima-Roza, Wash.	120	0	1,591	2,477	0	13,562	54,250	72,000
Kendrick, Wyo.	1,400	0	1,000	1,900	0	0	30,700	35,000
Riverton, Wyo.	14,832	392	53,776	0	1,000	0	30,000	100,000
Shoshone, Wyo.	160	0	37,564	1,907	0	174	1,195	41,000

FEDERAL AID FOR ROADS

Mr. MOTT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOTT. This morning, on what I supposed to be sufficient authority, I filed minority views to the conference report upon the bill H. R. 10140, the Federal-aid-to-roads bill. I have been informed since entering the Chamber that there is no authority for filing minority views to a conference report. My inquiry is whether that information is correct.

The SPEAKER. The Chair so ruled.

Mr. MOTT. Then, Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point upon the bill H. R. 10140 and include therein the minority views I desired to file as a part of the conference report.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. May not the minority views be printed in the RECORD following the conference report itself? I ask the gentleman to so revise the request that his minority views be inserted at a point in the RECORD following the printing of the conference report.

Mr. MOTT. Mr. Speaker, I so revise my request to conform with the suggestion. I ask unanimous consent to extend my remarks in the RECORD by including therein my minority views on the conference report upon the bill H. R. 10140, to be printed immediately following the conference report in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix.

The SPEAKER. Is there objection?

There was no objection.

SUSPENSION OF RULES

Mr. O'CONNOR of New York, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered printed:

House Resolution 509

Resolved, That during the remainder of the third session of the Seventy-fifth Congress it shall be in order for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII; it shall also be in order at any time during the third session of the Seventy-fifth Congress for the majority leader or the chairman of the Committee on Rules to move that the House take a recess, and said motion is hereby made of the highest privilege; and it shall also be in order at any time during the third session of the Seventy-fifth Congress to consider reports from the Committee on Rules as provided in clause 45, rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during the remainder of this session of Congress.

PURE FOODS AND DRUGS

Mr. O'CONNOR of New York, from the Committee on Rules, reported the following resolution, which was referred to the House Calendar and ordered printed:

House Resolution 512

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 5, an act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, and all points of order against said act are hereby waived. That after general debate, which shall be confined to the act and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the act shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interstate and Foreign Commerce, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original act. At the conclusion of such consideration the Committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall

be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 509 for immediate consideration.

Mr. MAPES. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Anderson, Mo.	Eaton	Kirwan	Sacks
Andrews	Eckert	Kniffin	Sadowski
Arnold	Elliott	Lamneck	Shafer, Mich.
Atkinson	Englebright	Lanzetta	Shanley
Barden	Evans	Lesinski	Shannon
Barry	Faddis	Lewis, Md.	Smith, Conn.
Bates	Ferguson	Lord	Smith, Okla.
Buckley, N. Y.	Fish	Lucas	Snell
Bulwinkle	Fitzgerald	McClellan	Somers, N. Y.
Burch	Frey, Pa.	McGranery	Steagall
Byrne	Gasque	McLean	Sullivan
Cannon, Wis.	Gavagan	McMillan	Sweeney
Champion	Gifford	McReynolds	Taylor, Tenn.
Chapman	Gildea	McSweeney	Thom
Clark, N. C.	Gingery	Mason	Thurston
Claypool	Green	Mead	Tobey
Cochran	Greenwood	Mitchell, Ill	Treadway
Cole, Md.	Griswold	Mitchell, Tenn.	Vincent, Ky.
Crosby	Hancock, N. C.	Norton	Vinson, Ga.
Culkin	Harlan	O'Connell, Mont.	Wadsworth
Cullen	Harrington	O'Day	Wearin
Curley	Hartley	Palmisano	Weaver
Daly	Healey	Peterson, Fla.	Wene
Deen	Jarrett	Pettengill	Whelchel
DeMuth	Jenkins, Ohio	Pfeifer	White, Idaho
Dickstein	Johnson, Lyndon	Plumley	White, Ohio
Dirksen	Jones	Polk	Wolfenden
Disney	Keller	Quinn	Wood
Ditter	Kelly, N. Y.	Richards	Woodrum
Doughton	Kennedy, N. Y.	Rockefeller	
Douglas	Kerr	Rutherford	

The SPEAKER. On this roll call 304 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

H. R. 4199

Mr. GEARHART. Mr. Speaker, I introduced a resolution amending the rules of the House. I ask unanimous consent to extend my remarks at this point in the RECORD in explanation of the change.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEARHART. Mr. Speaker, on February 2, 1937, a bill was introduced in this House which, because of the importance of the legislative subject with which it assumed to deal, attracted widespread attention throughout the Nation. The bill was assigned the number of H. R. 4199, and, in accordance with its own provisions, the short title of "The General Welfare Act of 1937" was bestowed upon it.

The bill, now famous under both its short title and by its number, immediately attracted the support of millions of our people, American citizens residing in every section of this vast country. I believe it can be said without fear of successful contradiction that never in the history of the Congress has any other bill ever been accorded such widespread, enthusiastic, and sustained support by such great numbers of our people as has been given to the bill to which I am now referring.

SUPPORTED BY THOUSANDS

Letters numbering well into the hundreds of thousands have poured in upon us. Petitions containing the names of millions of our constituents have been presented to the Congress. Thousands upon thousands of loyal, patriotic American citizens, sincere and honest believers in the legislative principles contained in this ill-fated measure, have from time to time, and in many instances at great personal sacrifice, journeyed from the distant corners of our country to plead with their Representatives for a fair consideration of this bill, which, in their opinion, offers so much for the amelioration of the economic ills from which our country suffers.

In accordance with the rules of procedure of the House of Representatives—rules the flagrant abuse of which I intend to discuss today—the bill H. R. 4199 was, immediately following its introduction, referred by the Speaker to the House of Representatives Committee on Ways and Means, a standing committee composed of 18 Democrats and 7 Republicans, for its careful study and consideration. Notwithstanding the pleas and, I might say, Mr. Speaker, the tears of millions of our fellow citizens, many of them in dire financial distress, this so-called all-powerful legislative committee has refused to give even the slightest consideration to it, to even acknowledge its receipt. Today it gathers dust in one of the pigeonholes in the office of the clerk of that legislative agency.

In fairness to the Republican members of that powerful committee, I should, and I do, make acknowledgment of the fact that all seven of them, by voice and vote in the committee room and upon the floor of the House, have time and time again unanimously indicated their desire to proceed to conduct hearings on the General Welfare Act. Responsibility must be placed where responsibility belongs. If but six of the majority members of that committee would join with their Republican colleagues, hearings would be commenced immediately. But all 18 of them remain to this day deaf to the entreaties of those who ask no more than a right to be heard.

ONE HUNDRED AND FIFTY CONGRESSMEN DEMAND HEARINGS

Have these pleas for hearings come only from the country, from distant points in our land? No, no, Mr. Speaker; voices have been raised closer at hand. Over 150 Members of this House, the duly elected Representatives of 42,101,250 people, all living under the protection of the Stars and Stripes, have by joint petition and individual appeal literally begged the membership of this obdurate committee to proceed to the performance of the duty which the rules undoubtedly contemplate.

Mr. Speaker, this is indeed a strange situation. Over one-third of the membership of this body, representing over 40,000,000 of our people, ask a committee of their colleagues for a hearing upon a bill which has excited a most widespread support—and their request is ignored.

And it is only for a right to be heard that they have petitioned.

MILLIONS IN DIRE NEED

Tragic shadows, Mr. Speaker, are falling across the pages of human history; shadows of men and women in dire poverty, in misery, despair, and woe; of old people bearing upon bent shoulders the all but overwhelming burdens of a world that has turned its back upon them; of underprivileged children, babes whose parents must daily taste the bitterness that is born of the realization that they can no longer provide that which their little ones need and, if strong bodies are to be builded, must have.

As these threatening clouds of disaster lower, men and women whose energies have not yet been impaired, humanitarians who have not yet lost the faith nor despaired of the hope that this ever-increasing army of the condemned might yet be rescued from death's embrace, feverishly search for the path over which they may trudge a weary way through the shadows of despair into the comforting rays of God's beneficient sun.

A REMEDY IS PROPOSED

It is sincere, honest, intelligent, God-fearing people such as these that have come forward with a plan. It is they that have set the example of service to their fellow man, they who have made the study, inspired the writing, and caused the introduction of the measure which has since become known as the General Welfare Act of 1937. They have arisen amongst us to point a way. They come not empty-handed but laden with facts and figures, statistics and charts—the proofs, they say.

BUT THEY WILL NOT LISTEN

All they ask is a chance to be heard. But the majority members of the Ways and Means Committee have slammed

the door of their committee room in their face, have turned their backs upon them. They will not listen.

The proponents of the General Welfare Act assure us that the principles of their bill are sound and in respect to all of its parts each has somewhere been tried and none has been anywhere found wanting. They declare that its enactment will bring back prosperity to our distressed country; that it will create jobs and widen opportunities for all that would work. But the majority members of the Ways and Means Committee will not listen.

The proponents of this measure declare that it will simplify taxation and reduce the vast number of tax items with which we are now vexed. They tell us that it will eliminate all public and private charity, all public and private pensions, abolish the poorhouses, free the aged from worry. But the majority members of the Ways and Means Committee will not listen.

EIGHTEEN STUBBORN MEN

And how is it, Mr. Speaker, that as small a number of Representatives as 18, 18 out of a total membership of 435, 18 who happen for the moment to be the majority members of the Ways and Means Committee, can wield such autocratic power? How is it that 18 individuals can say what bills shall be considered and what bills shall not be considered by this Congress?

Why, may I ask, can this small band of recalicitrants outweigh the desire of upward of 150 of those who hold like commissions from the people who sent them here?

THE RULES ABUSED

The answer, of course, is obvious. It is because of the rules of procedure of the House of Representatives, the rules which were devised, theoretically at least, to facilitate the business of the Congress but which have been used by those who know how to manipulate them to prevent entirely the consideration of the bills which the administration leaders do not favor.

This situation, Mr. Speaker, is intolerable. The use of rules to defeat the will and desires of millions smacks of tyranny! The arbitrary refusal of the majority members of the Ways and Means Committee to grant hearings on H. R. 4199 constitutes an outrageous denial of the fundamental principles of democracy and of the right of free expression upon which our country is founded. If it is persisted in, confidence in our democratic institutions will be destroyed. Government will cease to be in the minds of the people their friend, but will become, in their estimation, their oppressor. And oppression is the threshold of revolution!

BOSSISM—DEMOCRACY IMPERILED

The rules which make possible this czaristic control of legislative procedure in the Congress by a handful of so-called administration leaders must be amended so as to end this tyrannical system of bossism which, if not restrained, will destroy free institutions in America. If the representative form of government is to be preserved in these United States, something must be done and done right now.

AN AMENDMENT IS PROPOSED

To meet this challenge to our liberties and our God-given right of free expression, I am today introducing a resolution (H. Res. 513) to amend the rules of procedure of the House of Representatives by adding a new rule, a rule, simple in its operation, which will, if adopted by the membership of this body, as I am confident it will be, make it possible for one-third of the membership of the House to compel any standing committee, whether it be the Ways and Means Committee or some other, to proceed to the holding of hearings upon any given bill by the simple act of affixing their signatures to an order in writing to that effect.

In the rule I propose are many provisions to prevent its mere formal observance. It guarantees to any proponent of any bill who can rally such support a full, fair, and complete hearing to which the public will be admitted and at which all interested persons will be heard. Then it would be up to the proponents of the measure to make their case, to convince the people and their legislative representatives that their proposition is sound and workable. That, Mr. Speaker, is all that the proponents of the General Welfare Act have been asking for. That is precisely what the majority members of the Ways and Means Committee have denied them.

Experience has taught us, Mr. Speaker, that it is only through committee hearings, committee reports, and recommendations—preceding committee action—can we ever expect the legislation in which we are interested to become law. In a very few instances recalcitrant committees have been discharged and the bill they refused to support has been brought on for consideration by the floor without the preceding committee hearings. But, Mr. Speaker, the records of the House of Representatives fail to disclose a single measure that ever became a law by that method. For all practical purposes, the procedure I propose is the only procedure that leads to the victory we hope to achieve. Let us get behind my proposal. In it lies our only hope.

WILL BENEFIT ALL

It is not only to those that favor the General Welfare Act that I address my appeal. True it is the outrageous strangulation process that has been applied to them that has aroused the resentment which we all feel. But that which has been done to the supporters of H. R. 4199 can be done to those that have centered their interest in other legislative measures. In resisting this assault upon our democratic processes, it would be well to recall that familiar quotation from the great Benjamin Franklin in which he admonishes us that if we do not "hang together" that we will most certainly "hang separately." If the believers in the doctrine of free expression will but hang together in this one instance, the autocratic power of any committee to suppress legislation will be forever banished from the Halls of the Congress. Let us pass this resolution which I have proposed.

Therefore I conclude, Mr. Speaker, that—

The arbitrary refusal of the majority members of the Ways and Means Committee to grant hearings on H. R. 4199 constitutes an outrageous denial of the fundamental principles of democracy and free expression upon which our country is founded.

The rules which make possible this czaristic control of legislative procedure by a handful of so-called administration leaders must be amended so as to end this tyrannical system of bossism which, if persisted in, will destroy free institutions in America.

I offer a remedy—House Resolution No. 513.

SUSPENSION OF RULES AND MOTIONS TO RECESS

The SPEAKER. The Clerk will report the resolution called up by the gentleman from New York.

The Clerk read as follows:

House resolution 509

Resolved, That during the remainder of the third session of the Seventy-fifth Congress it shall be in order for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII; it shall also be in order at any time during the third session of the Seventy-fifth Congress for the majority leader or the chairman of the Committee on Rules to move that the House take a recess, and said motion is hereby made of the highest privilege; and it shall also be in order at any time during the third session of the Seventy-fifth Congress to consider reports from the Committee on Rules as provided in clause 45, rule XI, except that the provision requiring a two-thirds vote to consider said reports is hereby suspended during the remainder of this session of Congress.

The SPEAKER. The question is, Shall the House now consider the resolution?

Mr. MARTIN of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MARTIN of Massachusetts. To ask the gentleman from New York a question.

The SPEAKER. The Chair will state that this motion is not debatable.

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. Speaker, this is the usual resolution brought in toward the close of a session of Congress.

Its purpose is to expedite the business of the House. It provides that suspensions shall be in order on any day instead of on the first and third Mondays or during the last 6 days of the session. It has been impossible for some years to fix those last 6 days of a session, because the adjournment resolution usually comes in an hour or two before the actual adjournment.

The resolution also provides for recesses of the House rather than adjournment. The chief purpose this serves is to save, in the morning, the reading of a long Journal of the previous day's proceedings. Unfortunately, it also dispenses with the morning prayer.

The third purpose the resolution serves is to permit rules to be brought up on the same day they are reported rather than lying over for 1 day.

These provisions are all directed toward expediting the business of the Congress so we may reach that greatest of national holidays, the day Congress adjourns.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I gladly yield to the distinguished acting minority leader.

Mr. MARTIN of Massachusetts. This resolution is generally reported when we are about to adjourn. The House, I am sure, would like to have some assurance upon this point before we grant this additional power to the Speaker and to the leadership. Can the gentleman from New York tell us whether we are going to adjourn this week, or next week, a month from now, or 2 months from now?

I may add that there was a conference in the White House this morning concerning the so-called reorganization bill. This, of course, would have something to do with adjournment. If we are going to take up that bill, we may be here 3 months, and this resolution would not be at all necessary. Can the gentleman give us any information concerning these matters?

Mr. O'CONNOR of New York. That is what I might call almost a hypothetical question, there are so many component parts. All I know is that I was very busy at a meeting or "conference" of the Rules Committee trying to expedite the business of the House.

This resolution has been brought in, as I recall it, at least 10 days before adjournment. It portends adjournment, I might say.

Mr. MARTIN of Massachusetts. Does not the gentleman think we ought to have, accompanying this resolution, a statement of just what major legislation is to be considered before we adjourn?

Mr. O'CONNOR of New York. I think the gentleman knows that, if he reads the daily press.

Mr. MARTIN of Massachusetts. We do not believe all we read in the newspapers. Congress is very happy to be able to get its information through the newspapers, I am sure, but we thought that we might occasionally get something direct.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. I will yield to the distinguished gentleman for an inquiry.

Mr. MICHENER. Under this rule it will be possible for the majority leader to call up any bill he sees fit at any time, or for the chairman of the Committee on Rules to call his committee into session, to pass a rule, come downstairs, and call the bill up immediately. The result is that the passage of this resolution will require all the Members to be on the floor all the time the House is in session if they want to know what is going on.

In view of that fact, may I ask the gentleman if he will not be so kind as to notify the Members of the House just as soon as he learns when an important piece of legislation is coming up for consideration and, if possible, give us a day, an hour, or 20 minutes' notice?

Mr. O'CONNOR of New York. I shall be glad to give all the notice possible. Of course, the gentleman was once a distinguished member of the Rules Committee and reported a similar resolution toward the close of the session.

Mr. MICHENER. No, I think not. This rule is a precedent, according to the way it has been handled, under the New Deal. We lived up to the 6-day rule, with the possibility of one exception.

Mr. O'CONNOR of New York. No, indeed; the Republican Party took the same course we are taking today. I served with the gentleman many years on the Rules Committee, and the gentleman may trace back the history of this Congress for many years and I doubt if he can find a year in which an identical rule was not brought in.

Mr. MICHENER. The gentleman is a splendid chairman and carries out orders well.

Mr. O'CONNOR of New York. Of course, the gentleman intends to be facetious about my taking "orders."

Mr. BOILEAU. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the distinguished gentleman from Wisconsin.

Mr. BOILEAU. The gentleman from Michigan began his statement by saying as he understood the rule the majority leader could call up any bill he wanted to at any time.

Mr. O'CONNOR of New York. Of course, that is not correct.

Mr. TABER. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the gentleman from New York.

Mr. TABER. As I understand it, this rule contemplates a rather early adjournment of the Congress. Does the gentleman feel, in view of the stories that have been going around this morning with reference to the reorganization bill, that it is safe for us at this time to pass this resolution?

Mr. O'CONNOR of New York. Of course; sometimes I have no feeling whatsoever.

Mr. TABER. Does the gentleman think that perhaps this rule might be used to further such consideration?

Mr. O'CONNOR of New York. I cannot stretch my imagination that far.

Mr. TABER. I thank the gentleman.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I regret very much the gentleman from New York does not seem to have very much information as to the future legislative situation. I had hoped we might get some information, because we ought to have it before adopting this important resolution. I am going to pause to see if the majority leader might not want to take the House into his confidence as to what we might expect.

Mr. RAYBURN. I will after tomorrow.

Mr. MARTIN of Massachusetts. Why not now?

Mr. RAYBURN. I am not ready to answer right now as to the full program during the remainder of the session, I may say very candidly to the gentleman.

Mr. MARTIN of Massachusetts. I am sorry Members of the House cannot get information before we read it in the newspapers and before passing a resolution which is going to give tremendous power to the House administration; but, of course, you on that side have merely a 4-to-1 majority and can do what you wish. In all fairness, though, the House should have this information before a resolution of this sort is called up.

Mr. BOILEAU. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. In view of the statement made by the majority leader, and I can appreciate the position he is in, does not the gentleman believe it would be the part of wisdom for the gentleman from New York to withdraw consideration of this resolution until tomorrow?

Mr. MARTIN of Massachusetts. I think he should do it in all fairness to the House.

Mr. O'CONNOR of New York. This resolution has nothing to do with the program. The less the program the more this

resolution will expedite the business and the longer the program the more help this resolution will give to the House. I cannot see any connection whatever between the two.

Mr. MARTIN of Massachusetts. If the House is to be in session 6 weeks longer, this legislation should not be passed at the present time.

Mr. O'CONNOR of New York. What is the harm?

Mr. MARTIN of Massachusetts. What is the use of having any rules at any time, then?

Mr. BOILEAU. The gentleman asks, "What is the harm?" If that is true, why not adopt a rule of this kind at the beginning of any session?

Mr. MARTIN of Massachusetts. The gentleman has stated the situation correctly.

Mr. RICH. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. RICH. If we adopt this rule, then the unanimous consent of every individual Member of the House covering any legislation which that individual Member might desire could be brought up on the floor.

Mr. O'CONNOR of New York. This rule has nothing to do with the unanimous-consent request of any Member for any legislation. It does not pertain to that at all.

Mr. RICH. It certainly is going to give the Speaker great power. He can permit anything to come on the floor of the House.

Mr. O'CONNOR of New York. The Speaker always has the power to recognize Members for unanimous-consent requests. This rule permits the Speaker to recognize Members for suspensions, which takes a two-thirds vote.

Mr. MARTIN of Massachusetts. You can more easily get a majority vote than a two-thirds vote.

Mr. O'CONNOR of New York. Then the gentleman should not worry.

Mr. MARTIN of Massachusetts. It steamrollers the minority a little more.

Mr. McCORMACK. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman from New York made the observation that the Speaker always has the power to recognize Members for unanimous-consent requests. The Speaker also has the power to refuse to recognize such requests.

Mr. MARTIN of Massachusetts. The Speaker has not the right to recognize Members to call up bills under suspension of the rules every day. There are only certain days on which he may do that?

Mr. McCORMACK. I am not addressing myself to that. I am referring to the unanimous-consent request proposition raised by the gentleman from Pennsylvania [Mr. RICH].

Mr. MICHENER. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Michigan.

Mr. MICHENER. As I see it, one of the really serious objections to a rule of this kind is that the rule provides in effect that the majority, knowing what measures it is going to bring up, and having the authority to bring them up without any notice, may have its Members on the floor at a given time and bring up anything and pass it, even without a roll call, and the Members of the minority may not know the measure is coming up unless they stay on the floor constantly.

Mr. O'CONNOR of New York. Of course, that statement is without foundation, because nothing could be passed here by a mere majority without notice. Under suspensions it could. However, before a rule can be brought up it requires a majority and, of course, it would have to be brought out from the Committee on Rules, on which the minority is represented.

Mr. MICHENER. Yes; but the gentleman could go to the committee room of the Committee on Rules immediately after this rule is passed and hold a committee meeting and report out a rule and the chairman could come back here in 20 minutes with a rule and take up the proposed legislation. Unless the gentleman sees fit to notify the minority before he reports what is going to happen, it is impossible for the minority to know what is coming up.

Mr. O'CONNOR of New York. We hear that complaint every year.

Mr. MICHENER. It is true, is it not?

Mr. O'CONNOR of New York. It is not true, because the gentleman from Massachusetts [Mr. MARTIN], who is the ranking minority member on the Committee on Rules, will say we always advise the minority when we are bringing up any rule. We have never failed to do that while we have been in the majority.

Mr. MICHENER. You advise the minority members when you invite them to the committee meeting the purpose of which is to report out a rule, and then you call up the bill at once.

Mr. O'CONNOR of New York. We hear this squabble every year, and it is a tempest in a teapot. We are trying to expedite the business of this House and let the gentleman go back to Michigan and take care of his fences.

Mr. MARTIN of Massachusetts. Does not the gentleman believe that as a usual thing more reasons are given than the gentleman has given today?

Mr. O'CONNOR of New York. I believe reasons have been given today much more fully than heretofore.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 139, noes 27.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

THE WAGE AND HOUR BILL

Mr. RAMSPECK. Mr. Speaker, I call up from the Speaker's table the bill (S. 2475) to provide for the establishment of fair labor standards and employments in and effecting interstate commerce, and for other purposes, with a House amendment, and move that the House insist on its amendment to the Senate bill and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Georgia moves that the House insist upon its amendment to the Senate bill and agree to the conference asked by the Senate. The question is on the motion.

The motion was agreed to.

The Chair appointed the following conferees: Mrs. NORTON, Mr. RAMSPECK, Mr. GRISWOLD, Mr. KELLER, Mr. DUNN, Mr. WELCH, and Mr. HARTLEY.

EXTENSION OF REMARKS

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a brief address by Mary Dewson, member of the Social Security Board, on 50 Years Progress Toward Social Security.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TOWEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and include therein a very short address by Dr. Norman Burritt, of the New Jersey State Medical Society, on the food and drug legislation.

Mr. RICH. Reserving the right to object, Mr. Speaker, I notice Members of the House are now asking permission to insert in the RECORD addresses of everybody back in their own localities. If this is what you want to use the RECORD for, then go ahead, because you in the majority have complete charge. However, it seems to me that somebody ought to protect the record of the proceedings in the House and the Senate from such insertions. The CONGRESSIONAL RECORD is supposed to be a record of what transpires in the Congress, but instead of that we are having placed in the RECORD speeches from people back in the Members' home towns. It is a fine thing to do, but it is contrary to the rules of the House of Representatives and the Members should not be permitted to do it.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE FOOD AND DRUG BILL

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 512.

The Clerk read the resolution, as follows:

House Resolution 512

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 5, "An act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes," and all points of order against said act are hereby waived. That after general debate, which shall be confined to the act and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the act shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interstate and Foreign Commerce, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original act. At the conclusion of such consideration the Committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. Speaker, this is a rule for the consideration of the Food and Drugs Act, a matter which has been before us for many years. It is an open rule permitting amendments, and I reserve the balance of my time.

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. LUCE].

Mr. LUCE. Mr. Speaker, when the gentleman from New York presented his previous motion, which is customary, he gave the gentleman from Massachusetts 30 minutes, and then, I am sure, through inadvertence, proceeded to allow the matter to go to a vote without opportunity to say some things upon that subject which are in my mind. I am sure he did not intend so to do.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I yield.

Mr. O'CONNOR of New York. I assumed, by looking at the gentleman from Massachusetts, that he had finished. He had originally told me that he only wanted a few minutes. I looked toward the gentleman and then I moved the previous question.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. LUCE. I yield.

Mr. MARTIN of Massachusetts. I will say that what the gentleman from New York states is correct.

Mr. O'CONNOR of New York. I did not intend to foreclose the gentleman at all.

Mr. LUCE. The incident I speak of may justify a few minutes somewhat out of order, in relation to the subject then in question, for I wish to call the attention of the gentleman from New York and of the House and, if possible, of the country, that there are at present on the calendars 182 measures on the Union Calendar, 18 on the House Calendar, and 58 on the Private Calendar, a total of 258 measures.

These have all been considered by committees of the House. The committees have reached the opinion that they were important enough to be laid before the House. The committees have recommended the passage of these measures. These committees have spent many hours, and in some cases many days, in the consideration of these measures. Mind you, every one of the 258 has been recommended for the consideration of the House.

It is evident that if adjournment is reached at the time which the motion evidently had in mind, the great majority of these measures will fall. Perhaps some of them should fall, but, at any rate, I hold that any measure reported to this House ought to have its consideration.

These measures affect thousands, in some cases millions of our people. Some of them affect the whole country, others affect only individual interests, but they are all believed by the committees to deserve consideration.

I am saying this that it may be spread on the RECORD that in spite of all this, the House contemplates going home without completing action upon a not inconsiderable part of the measures that have been put before it. The country should know that from personal reasons, perhaps, or political reasons the great majority controlling this Congress will have turned its back upon these measures and the wishes of the interested persons.

Sir, I do not know how to compare this with previous Congresses. It is possible that my own party may have committed the same faults when it was in power, but if so, that is no reason why we should now go back to our homes and have to admit we left dozens and scores of bills without action.

In my own State, Massachusetts, the general court, as we call our legislature, has not yet abandoned the time-honored belief that every petitioner should have an answer. The rules require that committees shall report on all matters referred to them. Every report is put on the calendar and must be acted upon. The legislature does not adjourn until the calendars are clear. In other words, bills may not be pigeonholed. With the multitude of measures deluged upon Congress, that would not be practicable here in full, but there is no reason why we should not require that every committee report have consideration.

In the end it would save more time than it would take, for nearly every bill not now acted upon will be introduced again, may appear for session after session, requiring repetition of committee hearings over and over till at last conclusion is reached. The waste of time and effort in failing to finish work that has once reached the floor of either House is lamentable. Sometimes the delays of justice are scandalous. Assuming that at least some of the legislation approved by committees would be wise, the country suffers.

Mr. O'CONNOR of New York. Mr. Speaker, if the statement of the distinguished gentleman from Massachusetts is the most severe indictment that he can lay against the Democratic Party, they would not even be compelled to plead to a misdemeanor.

The gentleman from Massachusetts [Mr. LUCE] says that some 250 bills remain on the calendars. Of course, there is some duplication between the Consent Calendar and the Union Calendar and the House Calendar. Why, Mr. Speaker, I thought at first there were 3,000 until I checked it. Of course, we usually dispose of all Private Calendar bills and all bills on the Consent Calendar before we adjourn, and I anticipate that will be done again in this session. Let us look at the exact figures up to last Friday, May 28.

Eight hundred and nine bills were placed on the Consent Calendar. We have considered 722, leaving only 87 now pending.

Eleven hundred and three bills were placed on the Private Calendar. We have considered 945, leaving only 158 to be yet considered.

Two hundred and sixty-six bills and resolutions were placed on the House Calendar. We have considered 247, leaving only 19 to be taken care of.

Nine hundred and forty bills were placed on the Union Calendar. We have considered 761, leaving only 179 not yet acted upon.

Sometime ago I put in the RECORD the statistics on the legislative business of the Seventy-fourth Congress. As I recall those figures, there were about 15,000 bills introduced in the Seventy-fourth Congress. There were about 4,000 bills reported by committees. Of the 4,000 bills so reported

about 2,000 became law, equally divided between private bills and public bills. This is a fair average of the process of legislation over a great many years, whether the party of the gentleman from Massachusetts was in power or the Democratic Party.

Let us now look at the figures as to the Seventy-fifth Congress and its three sessions up to last Friday, May 27.

Bills introduced:	
House	10,781
Senate	4,115
Total bills	14,896
Joint resolutions introduced (often in effect bills):	
House	702
Senate	302
Concurrent resolutions introduced:	
House	47
Senate	37
Resolutions introduced:	
House	506
Senate	284
Making a grand total of legislative proposals	16,774

Now let us see what action has been had on these proposals.

Reports from House committees number	2,518
Reports from Senate committees	1,921
Total reports	4,439

Of these proposals so reported the following have already become law, with undoubtedly hundreds more to follow:

Public laws	553
Private laws	536
Public resolutions	99
Private resolutions	4
Total laws	1,192

So we have made a remarkable record, probably unequaled, if we adjourned today, leaving only about 300 bills on the calendars undisposed of.

If the distinguished gentlemen desires to "go to the country" with that indictment of us, the facts will not support his pleadings.

Mr. FLETCHER. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. FLETCHER. Does the gentleman mean to say that we will leave only 300 out of 15,000?

Mr. O'CONNOR of New York. Yes; out of 16,774. We are talking about this entire Seventy-fifth Congress of three sessions.

Mr. FLETCHER. Three hundred out of 4,000.

Mr. O'CONNOR of New York. But of over 4,000 reported.

Mr. LUCE. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. LUCE. Did the gentleman sufficiently emphasize the fact that his figures represent largely bills introduced, and refer only incidentally to the bills reported, while the gentleman from Ohio [Mr. FLETCHER] did not observe that fact?

Mr. O'CONNOR of New York. I have stated that in the Seventy-fifth Congress there were 4,439 reported and that with 346 left on the calendar there will be less than 8 percent of the bills left which have been reported by our committees. That is a record of which Congress may well be proud.

Mr. MAPES. Mr. Speaker, I yield myself 20 minutes. I am opposed to the committee substitute as reported and am opposed to the rule. Unless the bill is materially modified I shall vote against it. The particular provision in the bill to which I am opposed is the so-called court-review section, paragraph (f) of section 701. That does not mean that I am opposed to any court review. Not at all. Everyone concedes the right of an aggrieved person to a court review, or his day in court, but not such a court review as the one provided for in the committee substitute. I particularly emphasize that fact. A discussion of the merits of the legislation will more properly come up under the general debate on the bill, but in this debate on the rule I want to call the attention of the House to some of the opposition to the legislation as reported by the committee.

In the first place, the Secretary of Agriculture and the Food and Drug Administration in the Department of Agriculture are opposed to it, as shown by the letter of the Secretary of Agriculture printed in the minority report. I shall not read the letter in full at this time, I shall read only a few sentences of it. It was written March 29, 1938. The letter printed in the minority report is addressed to me. Let me explain how that happened. The gentleman from Kentucky [Mr. CHAPMAN] and I joined in a letter to the Secretary of Agriculture asking his views on the court-review section, as it then appeared in a confidential committee print of the bill. The Secretary answered by sending one letter addressed to the gentleman from Kentucky and another one to me. The letters were identical, except that one was addressed to Mr. CHAPMAN and the other to me.

In that letter the Secretary, among other things, said:

> I am of the opinion that if section 701 (f) remains in the bill its effect will be to hamstring its administration so as to amount to a practical nullification of the substantial provisions of the bill.

After reviewing the section somewhat at length he makes these further statements:

> Even though a number of district courts might uphold an order, demanded alike by the public and by the overwhelming majority of the industry regulated, to terminate abusive practices, a single district court could enjoin permanently the enforcement of the regulation.
>
> Frankly, I regard this provision as unfair to the Department, to the public, and to the industries regulated, the majority of which unquestionably would support regulations based on substantial evidence which the Secretary of Agriculture would promulgate.

Again the Secretary says:

> It is the Department's considered judgment that it would be better to continue the old law in effect than to enact S. 5 with this provision. If there is to be exploration into fields of administrative law, may I urge that it not be in the field of vitally important public-health legislation.

Mr. ROBERTSON. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. ROBERTSON. Will my colleague advise the House whether or not he supported, when the bill came over from the Senate, the court-review section that the Senate had written into this bill, or did he oppose any provision for a court review?

Mr. MAPES. I do not remember that that was a controversial issue until this came up. If the gentleman from Virginia has any information about that, I would be pleased to have him disclose it. Personally, I do not recall that the question came up in any controversial way.

Mr. ROBERTSON. The best lawyers the International Apple Association and the other producers of fruits and vegetables can get render it as their deliberate opinion that it is highly essential for the protection of those who must use spray in the production of fruit and vegetables to have the privilege of going into court to test the reasonableness of the departmental regulations.

I understand that my colleague admits that they should have the right to go into court to test the question of reasonableness. Let us take the case of a Pacific coast producer in the State of Washington. His apples have been taken up under a regulation that permits and allows tolerance, say, of 0.01, unsupported by any medical testimony, any scientific fact or data to establish the fact that to exceed such a tolerance would be injurious to human health. My friend tells the House, as I understand, that that apple producer shall not have the right to test that regulation in his own State but must come to the District of Columbia in order to litigate that question although this bill reserves the right to the Department of Agriculture to seize the apples and litigate them wherever it sees fit throughout the United States. Why should we provide just one court for the citizen of the United States to bring his suit and yet allow the Government to bring its case anywhere it pleases?

Mr. MAPES. The gentleman from Virginia, frankly, has put his finger upon the real issue involved in this court-review section. It is a question for the House to decide whether it is going to follow the recommendation of the

apple-growers' association in writing the section or the recommendation of the Food and Drug Administration. The gentleman from Virginia very accurately has put his finger upon the point in controversy.

The gentleman from Virginia, of course, would not claim that any administrative authority would pass regulations or issue orders without any evidence, as he has indicated might be done. If any administrative officer did that, the court would protect those affected, as it did recently in the stockyards case.

I had not intended to go into the merits of the section in this debate on the rule, but as long as the gentleman from Virginia has raised the question, the House may as well understand just what is involved.

Mr. SIROVICH. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. SIROVICH. I think the gentleman is perfectly right in the contention he is bringing before the House, because many years ago when we considered the food and drug bill we learned that in the States of Oregon and Washington the apples had been sprayed with a lead-arsenic preparation that was more than the tolerance allowed. The authorities in Massachusetts arrested six or eight trainloads of apples that had more lead arsenic than the law permitted. These apples were thrown into the harbor at Boston. England and France have not permitted many of our apples to go into these countries because the apples contained more lead and arsenic than the tolerance law allowed. Something should be done to protect the consuming public against having their gastro-intestinal tracts disturbed by these lead-arsenic preparations.

Mr. MAPES. Mr. Speaker, I thank the gentleman from Virginia and the gentleman from New York for getting the issue so squarely before the House, much better than I could have done without their assistance.

Mr. ROBERTSON. Will the gentleman yield for a very brief question?

Mr. MAPES. I yield to the gentleman.

Mr. ROBERTSON. Has the gentleman ever heard of a single case in the history of the United States, either in medical science or any other science, where anybody has been poisoned through eating an apple with undue spray residue on it? The gentleman cannot cite one case.

Mr. MAPES. Mr. Speaker, the letter of the Secretary of Agriculture, which is printed in the minority report, was written a few days before the committee report was filed, and applied to a draft of this section which appeared in a confidential committee draft at that time. It varies a little from the one actually reported. The committee amended the draft of the section as submitted to the Secretary by striking out, page 82, line 19, after the word "shall", the words "if in his judgment sufficient reason appears for so doing," and by inserting, page 84, line 8, after the word "shall", certain other words. Those who signed the minority report believe that the first amendment weakens the enforcement provision of the section and the second one requires nothing more than a court would ordinarily require without it.

Mr. Speaker, for all practical purposes the section remains substantially the same as the one submitted to the Secretary.

In the second place the committee substitute is opposed by practically all the women's organizations in the country that I know of. The substitute was reported to the House on April 14. A few days afterward the Members of the House received a letter signed by the representatives of 15 organizations of women representing the consuming public opposing the committee substitute. That letter dated April 22, 1938, reads as follows:

APRIL 22, 1938.

To the Members of the House of Representatives:

Re: Food and drug bill S. 5, as reported to the House April 14.

The undersigned organizations have worked consistently for the past 5 years for an adequate revision of the present Food and Drug Act to insure protection of the public from dangerous and fraudulent products. No bill which has been before the Congress in the past 2 years has entirely met the standards for such legislation which we as consumers consider reasonable; but as long as proposed legislation offered measurable improvement over the present act, the undersigned organizations have accepted modifications.

S. 5 as now reported to the House contains a provision, section 701 (f), which is not only a radical departure from existing administrative law, but would prevent quick and effective action against dangerous and fraudulent products.

We are convinced that this proposal for judicial review of regulations more than offsets the improvements over the present law contained in the bill. Unless this section providing for judicial review is struck out, the undersigned organizations must oppose the enactment of the measure.

Caroline Ware, American Association of University Women; Marie Mount, American Dietetic Association; Katharine M. Ansley, American Home Economics Association; Janet Fish, American Nurses Association; Margaret C. Maule, Girls Friendly Society of the United States of America; Sina H. Stanton, Council of Women for Home Missions; Louise Taylor Jones, Medical Women's National Association; Esther Cady Danley, National Board of the Y. W. C. A. of the U. S. A.; Mary T. Bannerman, National Congress of Parents and Teachers; Mrs. Arthur G. Broade, National Council of Jewish Women; Louise G. Baldwin, National League of Women Voters; Mary N. Winslow, National Women's Trade Union League; Julia M. Green, Women's Homeopathic Medical Fraternity; Mathilde C. Hader, National Consumers League.

And, Mr. Speaker, I just received this morning from the department of economics, Michigan State College, at Lansing, a letter signed by the agricultural economist, containing these two sentences:

The bill as reported by the committee is a farce, and enforcement of it would be impossible. Many of these groups of women who are studying consumers' problems in Michigan have been deeply concerned about this bill.

In general debate I expect to go further into the merits of this particular section, but I wanted to call attention in the debate on the rule to this opposition to the legislation.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the adoption of the resolution.

The previous question was ordered.

The resolution was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 5, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. LEA. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, the bill before us is what might be termed an evolution of the Wiley Act of 1906, which bears the name of Dr. Wiley because of his great service in behalf of public health in the United States. That was 32 years ago. Since then there have been very few amendments to the Food and Drug Act. There has been a revolution in the United States so far as the preparation of food is concerned. In 1900 the home was the laboratory and the place of preparation of food for the American people. That was true almost entirely. Today a large proportion of all the foods consumed by our people is prepared in the factories of the United States.

In this same period of 32 years we have witnessed the development of the germ theory of disease. While it was known in 1906, the full ramifications and importance of the germ theory as a source of disease has largely developed since that time.

In addition to that, we have had 32 years' experience in the enforcement of the present food and drug law. Based upon this experience and these changed conditions, the country has need for this legislation.

The object of the pending bill is to extend the scope of food and drug legislation and to give more effective control to the law as we have it today as well as the new law. Food and drug legislation has revolved around two primary considerations. The first is adulteration and the other is misbranding. The object of food and drug legislation has these things in view: prevent adulteration of foods in order to protect health, and prevent the deception of the public; misbranding in particular, to avoid deception in the purchase of foods, drugs, and articles that come within this bill.

Mr. Chairman, this bill goes further than the existing law in a number of particulars, some of which, in a general way, I will attempt to point out. This bill proposes 15 or more substantial improvements in the existing law.

First, I call your attention to the structure of this bill. It consists of over 50 pages, and it may be confusing to you as you look it over. The present law is confined to food and drugs. This bill takes in therapeutic devices and also cosmetics. In those particulars, as well as in others, it is a material extension of the present food and drug law.

The bill treats these subjects under three separate heads in as many divisions. Having in mind that we are dealing primarily with adulteration and misbranding under each head, we have three separate divisions of the bill, one dealing with food, another with drugs and therapeutic devices, and the third with cosmetics. Each of these three divisions deals with the same subject in three parallel provisions. On account of the dissimilarity of the three subjects covered by the bill each one is treated in a separate part of the bill. However, the provisions in reference to adulteration and misbranding run practically parallel in each of the three subdivisions of the bill.

Naturally the question arises as to the remedies that are to be applied to protect the public against adulteration and misbranding of their food and drugs. The remedies provided in this bill include a denial to these adulterated and misbranded articles covered by the bill of the right to move in interstate commerce.

There are penal provisions which make it a crime to introduce or to transmit these articles in interstate commerce in violation of the law. There is provision for the seizure of articles which may be injurious to health or the sale of which under the conditions would be a gross imposition upon the public. There is also provision for giving warning and information by labels, where necessary, to the prospective consumer of foods and drugs, cosmetics, and therapeutic devices.

In addition, in this bill the committee proposes a new arm of enforcement by providing that injunctions may be used to assist in the enforcement of this act. This is a very important addition to the present law that should contribute to effective enforcement and reduction of litigation.

Then, a final feature of the bill, so far as its remedial considerations are concerned, is that the Secretary of Agriculture, who is now the head of the Food and Drug Administration, is clothed with very broad authority for the purpose of enforcement, to make regulations to carry out the law that is proposed to be enacted.

I should like to call attention briefly to some features of the bill that increase the scope of the present food and drug law. These features include control over adulteration and misbranding of cosmetics and therapeutic devices. There is a provision that drugs intended for diagnosing illness or for remedying underweight or overweight or for otherwise affecting bodily structure or function are subject to regulation. New drugs are required to be adequately tested for safety before they are placed on the market.

Foods that are dangerous because of naturally contained poisons rather than added poisons are brought under regulation. The addition of poison to foods is prohibited except where such addition is necessary or cannot be avoided; and in such cases tolerances are provided limiting the amount of added poison to the extent necessary to safeguard the public health.

At this point I call attention to the question discussed a while ago as spray residue on fruit. This bill provides that the Secretary of Agriculture shall have authority after proper hearing to prescribe the extent of spray residue that shall be permissible. Then the regulation is enforceable. There is nothing in this bill that fails to protect the public health against spray residue. In the present law there is no such authority in the Secretary of Agriculture. The only method of prosecuting in connection with that condition at the present time is to treat spray residue as an adulteration.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. SIROVICH. Is there anything in this measure which would compel the Government of the United States to insist upon the washing off of the toxic residue that may be found upon fruits and vegetables?

Mr. LEA. The only way of handling that situation at the present time is for the Secretary to say, in effect, that if he finds more than a certain amount of spray residue, he will prosecute criminally for adulteration. There is no authority by which he can legally adopt regulations. He must resort to the criminal procedure for adulteration. If enacted, this bill would give him the right after proper hearings to adopt regulations prescribing limits. Then a court review would be permitted, and if the interested parties claimed the regulation was invalid, they would have the right to go into court and have that question considered.

Mr. SIROVICH. In other words, the court would pass on the toxicity of the residue?

Mr. LEA. The court would pass on the validity of the regulation. If the regulation was found valid, that would settle the question and the final decision would become the settled law of the case.

Mr. SIROVICH. That means the court would have to call upon all kinds of medical authority to counteract what the Secretary of Agriculture had already done.

Mr. LEA. No; the finding is made based on the record made at the hearing before the Secretary, and is confined to that record, unless for good cause shown additional evidence is received. If there is substantial evidence to justify the Secretary's finding the case is closed.

Where the other provisions of the law are not effective to control danger to health arising from bacterial contamination of food, temporary license restrictions can be imposed until the difficulty is corrected.

This is largely aimed at contagious diseases that sweep over the country at times, where factories are in the affected territory. In order to reduce the menace to the consuming public over the country, the Secretary can require permits and inspect the suspected factory in order to be sure that its products do not carry contagion to the people of the country.

Definitions and standards of identity are provided under which the integrity of food products can be effectively maintained.

Informative labeling of foods as to quality and composition is required for the information and guidance of consumers. Emphasis is placed on the informative labeling of special dietary foods, such as that for infants and invalids.

The provision under which proceedings could be brought against falsely labeled patent medicines only upon evidence to prove that the manufacturer knew his labels were false is eliminated.

In other words, at the present time it is necessary to prove criminal intent before you can give the consumers the benefit of this protection. Under this bill we look to consumer protection as the primary consideration and make secondary the question of intent with which the article was given out to the public.

Habit-forming drugs must be labeled with warnings that they are habit forming.

Potent drugs liable to be misused must bear labels warning against probable misuse.

Special safeguards are set up for packaging and labeling deteriorating drugs.

Authority is provided for inspection of factories making interstate shipments, without which the law could not be effectively enforced.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. SIROVICH. On the therapeutic indications of drugs, as to their potency as far as deterioration is concerned, does the law provide it has to be on the label to let the consumer know how long the drug is good for and after what time it is deteriorated?

Mr. LEA. Yes; and methods of preserving its contents.

Mr. SIROVICH. That is a very excellent thing.

Mr. LEA. Then increased penalties are provided. Under the present law, as I recall, the maximum penalty is $500 and the ordinary penalty is $300. The bill we report fixes a maximum penalty of $10,000 and a maximum time in jail of 3 years instead of 1 year as under the present law.

The main object of so increasing these penalties is to provide suitable penalties due to the changed conditions since 1906. We have a great many institutions manufacturing drugs and foods that are very strong financially and we thought these higher penalties are justified in view of present conditions and to cover cases of the persistent violator.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman.

Mr. SIROVICH. Is there anything in this new bill that pertains to multiple seizures?

Mr. LEA. Yes; there is.

Mr. SIROVICH. What does it do?

Mr. LEA. We have a provision that, to a degree, limits multiple seizures, but it does not interfere where the article is injurious to health or where its sale would be a gross imposition on the public; in fact, the limitation is a very mild one and does not interfere with the fundamental purpose of protecting health and protecting against cases of gross fraud.

Mr. SIROVICH. Does multiple seizure in this new legislation interfere particularly where the drug is highly toxic and may poison thousands of people around the country?

Mr. LEA. It does. The right of multiple seizure in such a case would exist.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. LEA. Briefly, because I must go ahead with my statement.

Mr. EBERHARTER. The gentleman has noted subsection (1) of section 403 which pertains to alcohol and states that the term "whisky" shall not be branded on anything distilled from any material except grain. In other words, if you made whisky from anything except grain alcohol or grain, you could not label it as whisky; is that correct?

Mr. LEA. Yes.

Mr. EBERHARTER. Is it not a fact that whisky is made from substances other than grain?

Mr. LEA. Whisky is now made from other substances to a limited extent.

Mr. EBERHARTER. In other words, if this particular section went into effect it would put out of business all distillers that made whisky from any substance other than grain?

Mr. LEA. It would deny the use of substances other than grain, but there is a provision permitting 2½ percent for color and flavor and, of course, it would not put a distiller out of business, but would deny him this particular class of manufacture so far as marketing his product as whisky is concerned.

Mr. EBERHARTER. In other words, he could not label his product "whisky" if it was not distilled from grain?

Mr. LEA. Yes. The theory back of that, I take it, is that originally all whisky was made from grain and we have a good many of the distillers who follow that practice now and they feel that the liquor that is entitled to such a term is a product made solely from grain. We do have the other class to which the gentleman refers, which do make whisky, a part of which is not made from grain.

Mr. EBERHARTER. Does not that in effect give a tremendous advantage to those distilleries which at present use grain? Whisky does not, in its ordinary sense, mean that it must be distilled from grain alone.

Mr. LEA. I think it would cause serious trouble, were it not for the limited extent to which this type of whisky is made.

Mr. EBERHARTER. Then the effect of this section would be to either outlaw those distilleries not making whisky from grain, compel them to go out of business, or else compel them to change their plants that they would use only grain.

Mr. LEA. As far as my information goes no plants are devoted solely to making whisky from sources other than grain, and then only to a very limited extent do any of them make whisky from sources other than grain.

Mr. STEFAN. Mr. Chairman, will the gentleman yield? The gentleman always makes a wonderful explanation of any bill that he brings on the floor, and I am very much interested in the questions put to the gentleman from California by my colleague from Pennsylvania [Mr. EBERHARTER], in respect to whisky. I have a bill introduced in the House which would prohibit the labeling of anything so far as it is whisky unless it is made from grain only. It has always been considered that whisky is a distillate of grain, under the famous Taft decision in the Supreme Court. It was generally considered that whisky was always distilled from grain. As a result of some changes in our laws the Blackstrap Molasses Trust have taken away from the American farmer a potential market of 30,000,000 or 40,000,000 bushels of corn, as a result of distilling blackstrap molasses into whisky.

During our campaign to eliminate prohibition, it was promised the farmer that he would have a market for his corn if he would vote for the elimination of prohibition. That promise has not been kept, and I think this is one step in the right direction to give back to the farmer and carry out the promises to the farmer.

Mr. LEA. We can discuss that further.

Mr. STEFAN. Will the gentleman discuss that with me when we come to the section on page 64?

Mr. LEA. Yes.

The CHAIRMAN. The gentleman from California has consumed 20 minutes.

Mr. LEA. Mr. Chairman, I yield myself 10 additional minutes. I ask the attention of the Committee to the matter of a court review. The bill as it passed the Senate provided for a court review, and the bill as it is presented to the House provides for a court review, and, in my judgment, a very much better provision than the Senate bill. But let us consider the background. We have the most complicated system of government in this country that the world has ever known. A very important feature of it has developed during the last 20 or 30 years, and that is the establishment of bureaus clothed with the authority to make regulations and govern the conduct of the American people.

Those regulations have the force of law, the same as if enacted by the Congress. In making those regulations the departments act as the agents of Congress. A man under this bill, if it is enacted into law, may be sent to prison for as much as 3 years because he has violated a regulation established by the Secretary of Agriculture. That is only one of many instances.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LEA. I shall have to decline, because I have only 10 minutes. We have to a startling degree an irresponsible making of laws in the name of Congress, without fair opportunity for thorough consideration, without the country knowing who is responsible for them, written by people the country does not know, and frequently with little opportunity to assure that the regulations are just or wise.

In my judgment one of the greatest menaces to popular government in this country is this vast structure of bureaus. I am not condemning it. I think it is necessary under our system of government. Our State lines have become more or less eliminated by the changes in our economic conditions. It has been inevitable that we must exercise more power here in Washington than in the decades gone by. We must accept that fact; but we must not ignore the fact that the people deserve protection against arbitrary and capricious government, against inexperience and ignorance by the departments that exercise this semilegislative authority.

In this bill we give a broad extension of authority to the Secretary of Agriculture, and in that respect it is one of the broadest bills ever passed by this Congress in ordinary peacetimes.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. I am sorry, but I have not the time. We give more authority to the Secretary under this bill than any white man ought to have unless with it there is proper restraint by the courts. That is what we have tried to do here. We have tried to provide an intelligent, fair, and orderly system so that the departments will have rules to go by, so that they will know what their rights are and the people will know what their rights are, and such a procedure can be safely followed.

The present law is very crude and undeveloped. The administrative law in this country has practically been built up on court interpretation. It is indefinite, confusing, and conflicting, not affording certainty to the departments or litigants. It is to remedy that condition that we propose this method of restraint against arbitrary action.

The practical problem presented by court review is whether you are in favor of a government by edict or whether you favor a government by orderly procedure, a government under which the citizen shall have a right to be heard and will get fair consideration before these regulations are enacted. Recently the Supreme Court rendered a decision in reference to the question of what these departments should do.

This bill was written before the Supreme Court decision was handed down, but the bill does in effect what the Supreme Court said these departments ought to do without any legislation by the Congress. The Supreme Court said the maintenance of proper standards on the part of administrative agencies in the performance of their quasi-judicial functions is of the highest importance and in no way cripples or embarrasses the exercise of their appropriate authority. On the contrary it is to their interest, for as we said at the outset if these multiplying agencies deemed to be necessary in our complex society are to serve the purpose for which they were created and endowed with vast powers, they must accredit themselves in accordance with the cherished judicial tradition embodying the basic conception of fair play.

The question of time is raised. It is urged that these regulations must be made on the minute and that there is no time for consideration such as here would be provided. While this legislation is a substitute for the action of Congress, how long does it take to pass an act through Congress, even though it may be very important or necessary? There is nothing in this court review that will interfere with proper procedure and promptness in taking care of any emergency that may arise; in fact, the bill by its terms provide that as to the emergency conditions a regulation may be put into effect immediately by the Secretary before there is any chance to pass it in Congress. By prescribing a clearly defined procedure these provisions will reduce litigation and hasten the disposal of cases.

I wanted to call the attention of the House to the particular regulations that are affected by this court review, but on account of the limited time I will not at this time enumerate those powers. For the present it is sufficient to say that they are very broad and very important. It is these broad powers that no man should seek or want to exercise unless the court has a reasonable right to review his conduct from the standpoint of arbitrary action.

In substance, this court review section provides that on initiation of the Secretary himself, or on application of the industry, hearings shall be had for the purpose of considering the adoption of regulations. The Secretary holds the hearings; notice is given all interested parties. They have a right to participate. Finally the Secretary makes a finding and makes an order providing for the regulation. Then if there is an actual controversy an interested party may go to the court and bring a suit to test the validity of the regulation. In that event he files his case in the district court.

Here is one of the controversies—the main one, in fact. I may at this time explain that there has been, as I understand it, three differences between the Department of Agriculture and this committee provision. One was in reference to the hearing before the Secretary. The bill provides that on the request of an industry or a substantial portion of it the Secretary shall hold a hearing. The authorities of the Department of Agriculture objected to this provision, claiming that it deprived the Secretary of all discretionary powers.

I shall offer an amendment at the proper time providing in substance that when reasonable cause is shown the Secretary shall call the hearing. This will obviate any dispute over that question.

Another objection of the Department of Agriculture was that when the complainant went into court he was to have the privilege of introducing testimony, although he had neglected to produce it at the hearings before the Secretary. This was objected to on the ground that it was unfair for a man to be silent while the Secretary was holding a hearing and then go to court and ask to introduce testimony. The committee tried to meet this objection by adopting a provision requiring that when the complainant goes into court he must show that the testimony he offers is material, and he must show good cause why he did not produce it at the time of the hearings conducted by the Secretary. So we met the second objection of the Secretary.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, there is one other objection we have not met and that is the court that shall have jurisdiction to try the case. As I understand it, the Secretary wants all cases brought to trial in the city of Washington. The committee thought these cases ought to be tried like other cases, that the citizens throughout the country ought to have the right of trial at the place where they reside or where their principal place of business is located. When the Department sues an individual citizen it sues him wherever jurisdiction may be had. The members of the committee reached the conclusion that the citizen of this country ought to have the same right in reference to this case as in other important cases and have the case tried in the district where he resides or has his principal place of business.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I thought we unanimously agreed on that proposition. Is there any difference?

Mr. LEA. What is that?

Mr. MARTIN of Colorado. I thought the committee unanimously agreed on that proposition.

Mr. LEA. We agreed that the local court should be the place of trial, but objection is made to that here, and that seems to be the principal point of dispute; that is, whether anyone who wants to test this must come to Washington or whether or not they will be given the privilege of trial in the district courts throughout the country.

Mr. Chairman, the Members may have read the minority report in this case. I think it is unfair and unwarranted and has a degree of misleading contentions that is regrettable. In the first place, one of these objections that was made by the Department we corrected before the bill was reported. The Secretary's letter was written before this correction was made. It is inserted in the minority report and has been circulated throughout the United States and has been made the basis of propaganda on the theory that the thing which we corrected is still in the bill.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield myself 1 additional minute.

Mr. LEAVY. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Washington.

Mr. LEAVY. Are the provisions of this act retroactive insofar as orders now in existence by the Pure Food and Drug Department may be taken to court and there examined or determined?

Mr. LEA. No.

Mr. LEAVY. If there are now, as there are, arbitrary departmental regulations that virtually destroy an industry, do not the people who may be affected by this legislation have any relief?

Mr. LEA. Yes, indeed. They can do what I was trying to describe. They may come in and ask for the new regulation to eliminate the injustice of an old one.

Mr. LEAVY. I just asked the gentleman if this would grant them relief.

Mr. LEA. Yes.

Mr. LEAVY. The apple spray regulation is one of that type and character and has been judicially determined to be such.

Mr. LEA. The gentleman is right. The existing regulations would be subject to petition for reconsideration.

Mr. SIROVICH. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from New York.

Mr. SIROVICH. I would like to call the gentleman's attention to the fact that in our Committee on Fisheries, from Alaska to the great States of Washington and Oregon complaints have come on the seizure of thirty, forty, or fifty thousands cases of salmon that may be contaminated, where the owners never have a chance to have their expert take a sample to determine themselves whether it is contaminated on the basis of presenting that information to the court.

In view of the fact they have been clamoring for 12 years before our committee to get this right, would the gentleman be willing to accept an amendment to the bill which would give the right to these great owners of twenty, thirty, forty, or fifty thousand cases of salmon to have their experts, when the Government condemns this, take a sample?

Mr. LEA. This bill provides for that. Samples would be furnished the owner.

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, I have no idea of making any extended remarks on this bill. I do wish, however, to make a few observations, in regard to it and I may as well start where the chairman of the committee, the gentleman from California, left off when he said the minority report was unfair and misleading in quoting the letter of the Secretary of Agriculture. As I said when we considered the rule, I fail to see how anything could be more explicit than the statement on that subject in the minority reports as follows:

> The section as submitted to the Secretary of Agriculture was the same as the section as reported by the majority of the committee, except in two particulars, one of which weakens the enforcement provision of the section, the other of which has no effect on it one way or the other, in our opinion.

It may be conceded that the gentleman from California [Mr. LEA] entertains a different view. The minority was not attempting to state his opinion. The minority report says that the language of the section as reported is not the same as it was when submitted to the Secretary of Agriculture. Those of us who signed the minority report, however, do say that, in our opinion, it is in substance the same, and the report specifically points out in just what particular the two drafts differ. The minority report continues:

> The committee amended the draft of the section as submitted to the Secretary (1) by striking out of the committee substitute, page 82, line 19, after the word "shall", the words "if in his judgment sufficient reason appears for so doing."

The chairman of the committee said he intended to offer an amendment to the section to remedy some of the harm done in striking out the language referred to in the minority report, thereby in effect admitting the correctness of the statement in the minority report that the action of the committee in striking out the language weakened the enforcement provision of the section. Was there anything unfair in calling attention to that in the minority report?

I quote further from the minority report:

> and (2) by inserting, page 84, line 8, after the word "shall", the words "upon the showing that such additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence at the proceeding before the Secretary."

The minority says that without this language, in its opinion, any court would require that showing to be made before allowing additional evidence to be introduced.

I submit that any lawyer upon the floor of this House will agree with the statement. Whether that language is specifically written into the section or not, would not a court require a showing that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the proceeding before the Secretary before the court would allow additional evidence to be taken?

Those are the only two differences between the draft which was submitted to the Secretary before the committee made its report and the draft as it appears before you today. Furthermore, of course, as a practical matter the Members of the House know that this new draft probably was submitted to the Secretary of Agriculture and the Food and Drug Administration before the minority report was drawn up.

My opposition to this section is not due primarily to the fact that a party aggrieved can proceed in any district court in the United States to contest the validity of an order or regulation of the Food and Drug Administration, although I am opposed to that provision. I am more opposed, however, to the provision which allows the court to open up the case and take new testimony before the court itself or a master. The language giving the court that authority will be found on page 84, beginning at line 8:

> The court shall, upon the showing that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the proceeding before the Secretary, permit the complainant to supplement the evidence in such record by adducing additional evidence, which the Secretary may rebut, bearing on the validity of the order. For this purpose, the court may require such evidence to be taken before the court or a master, or may remand the case to the Secretary for the taking of such evidence and the making of such amendment to his order as may be required.

Although I have not examined all the statutes, I am advised, and it is my opinion, that there is no law on the statute books now of that exact wording applying to any other commission or any administrative agency in the Government. It is a unique provision, as far as I am advised. The usual provision is that if, upon an appeal to the court, the court finds that material evidence has developed since the hearing before the commission or administrative officer, the court shall remand the case to the commission or administrative officer for further testimony. I know of no case where the court itself is allowed to open up the case and take testimony. This is the point involved here.

Most of you have had experience with State commissions. Take your State railroad commissions as an illustration. Suppose an appeal could be taken from an order of a State railroad commission to the State courts, and, upon a showing that material evidence had developed, the court could proceed to hold hearings. If that were allowed a State commission would never get anywhere in the enforcement of the law.

I have before me several of the acts creating various commissions. Here is the language in the Bituminous Coal Commission Act:

> After an appeal has been taken, the finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive.

That is far from the language of the provision in the pending bill.

> If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission—

Does the court take the evidence? No—

> the court may order such additional evidence to be taken before the Commission.

The theory of that is that the Commission is entitled to have all the facts before it, just the same as the court.

This is the act creating the National Labor Relations Board about which we hear so much:

If either party shall apply to the court for leave to adduce additional evidence—

And so on. The language is the same as I have just read.

The findings of the Board as to the facts, if supported by evidence, shall be conclusive.

That is the language in the laws creating practically all commissions and regulatory bodies, "the findings of fact if supported by evidence." Sometimes the word "material" or the word "substantial" is inserted before the word "evidence" shall be conclusive, but if material evidence develops after the hearings before the commission or administrative officer, the court remands the case to the commission or administrative officer to take the additional evidence.

Here is the provision in the law governing stock exchanges.

The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission.

The same is true of the law relating to the issuance of securities.

The law relating to the Radio Commission contains the following provision:

Provided, however, That the review by the court shall be limited to questions of law, and that findings of fact by the Commission, if supported by substantial evidence, shall be conclusive, unless it shall clearly appear that the findings of the Commission are arbitrary or capricious.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. If provisions such as were written into the Bituminous Coal Commission Act were written into this bill, would that expedite or delay action?

Mr. MAPES. It would expedite action.

Mr. ROBSION of Kentucky. That is the main purpose of it; and it is the gentleman's contention that we would get quicker action and it would lead to more effective enforcement of the act?

Mr. MAPES. Exactly. In the language of the Secretary, we propose to hamstring the Food and Drug Administration in the administration of a health law, but we give no such authority to the courts in the enforcement of stock exchange regulations, securities regulations, or the work of the Radio Commission and these other commissions.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield to the gentleman from Washington.

Mr. LEAVY. I notice that in the gentleman's answer to the question just propounded he stated in substance that these provisions would expedite proceedings. It appears to me it would have just the opposite effect if the court were compelled to remand the case to the Commission for the taking of further testimony, for if the case were then reopened, and a record made, and the case reconsidered, certainly there would not be a saving in time.

Mr. MAPES. Did the gentleman ever hear of the telephone cases that took 14 or 17 years to get from the State commission of Illinois into the Supreme Court of the United States?

Mr. LEAVY. Yes; I have heard of them, but they are not necessarily on all fours at all with the matter we have here.

Mr. MAPES. As has been said here, if we are going to experiment, let us not experiment on matters of health.

Mr. LEAVY. If the gentleman will yield further I would like to ask another question. Is not the section the gentleman has under discussion and with which he finds fault quite different from those that he referred to where the various commissions have hearings, in that the aggrieved individual here seeks an injunction and the court is asked to issue either a temporary or a permanent restraining order against the order theretofore made by the Food and Drug Administration based upon a record?

Now, why does the gentleman find fault with the court being permitted in that instance, since they make a judgment which is apt to be a final one, to hear further testimony upon the part of either of the parties?

Mr. MAPES. If I have not made my position clear to the gentleman, I am afraid I cannot do so.

As has been pointed out, this bill provides for proceeding before any district court. These other statutes to which I have been referring and extracts from which I have read, provide that proceedings may be started in the Circuit Court of Appeals of the United States within any circuit wherein the person aggrieved resides or has his principal place of business, or in the Court of Appeals of the District of Columbia.

This legislation goes to the extreme in giving the right to proceed in any district court.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I yield.

Mr. TOWEY. Has the gentleman, as a member of the committee, any comment to make on section 305, which would seem from a reading of the section to provide that the Secretary has the right to determine whether a criminal violation has been committed or whether he should extenuate it or pass it on? Is not this something new in procedure, when a violation of an act in a criminal respect has been committed, and should it not be committed to the courts rather than to let the Secretary determine it?

Mr. MAPES. I have not the time to go into that, I will say to the gentleman.

Mr. TOWEY. I will ask unanimous consent that the gentleman's time be extended if the gentleman has any views as a member of the committee on that subject.

Mr. MAPES. I do not know that I could answer the gentleman positively and I do not care to go into the question without being able to do so. [Applause.]

The minority report on the committee substitute is as follows:

MINORITY VIEWS (TO ACCOMPANY S. 5)

The undersigned, members of the Committee on Interstate and Foreign Commerce, submit the following minority views with respect to one of the most important features of the bill, namely, provisions for court review of regulations of section 701 (f):

It is our view that the bill, if enacted with this review provision, will not afford any substantial improvement in consumer protection over the terms of the present law. In fact, in some respects it represents an impairment of the consumer-protective features of the present law.

Section 701 (f) sets up a method of court review of regulations that is wholly unprecedented. It is specifically provided that this method of review is in addition to, and not in substitution for, other methods of review provided by law, such as equity proceedings and proceedings under the Declaratory Judgment Act.

Regulations subject to this new form of review relate to the identity and quality of food; to requirements for informative labeling of special dietary food, such as that used by infants and invalids; to food contaminated with disease organisms where distribution might result in serious epidemics to the addition of poisons to food; to the certification of coal-tar colors for use in foods, drugs, and cosmetics; to establishing adequate laboratory tests for important official drugs; to the listing of narcotic and habit-forming drugs; to label warnings against probable misuse of dangerously potent drugs; and to label directions for the preservation of potent drugs liable to deterioration.

These provisions constitute the very heart of any worthy food and drug legislation. If the public health and welfare are to be adequately safeguarded, regulations putting these provisions into effect should be promptly and effectively enforceable and certainly should be subject to no greater restrictions and delays in review by the courts to determine their validity than regulations authorized by other Federal laws which deal with economic questions rather than the vital questions of public health concerned in this legislation.

Section 701 (f) permits any person who will be adversely affected by one of the regulations listed above to file, any time within 90 days after the regulation has issued, a complaint in the district court for the district where such person resides or has his principal place of business to enjoin the Secretary of Agriculture from enforcing the regulation. For example, if a regulation is issued requiring label warnings against probable and dangerous misuse of a certain class of patent medicine, then each manufacturer of that class of medicines and each dealer who profits by the sale of the medicines may file a complaint in his local

district court to enjoin the enforcement of the regulation. If a single district judge could be found who would issue an injunction against such enforcement, the regulation could not be enforced at any place in the United States, even though every other district judge in the country had refused to issue an injunction. The provision would therefore clothe each and every district judge with authority to block the enforcement of a regulation throughout the United States. This is an extraordinary extension of jurisdiction and an extraordinary grant of power never heretofore seriously advanced in the entire history of the country. As suggested in the letter of the Secretary of Agriculture, a copy of which is hereto attached, if there is to be an exploration into new forms of court review of administrative regulations specifically authorized by congressional enactment, it is our conviction that such experimentation should be made in fields other than those of vitally important health laws.

Even if the injunction which blocks the enforcement of a regulation can be overturned in appellate courts, there is a provision under the preceding subsection (701 (e)) whereby the question can be reopened and the regulation again subjected to the same hazards. This provision requires that—

"The Secretary, on his own initiative, or at the request of any interested industry or substantial portion thereof, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation * * *."

If the manufacturers of the class of patent medicines referred to above, or any substantial proportion of such manufacturers, demanded a public hearing on a proposal to amend or repeal a regulation previously validated by the courts after litigation under subsection (f), the Secretary would have no alternative but to hold such a hearing and to follow the prescribed procedure laid down by subsection (e) under which he would issue an order continuing the regulation in effect. The continuation of the regulation by such order would then become subject within the 90-day period prescribed to the filing of a second crop of complaints throughout the United States. If a single district judge could again be found to issue an injunction, the regulation would again be rendered ineffective.

In most of the industries affected by the bill there are sufficient minorities, vociferously opposed to any form of regulation, to form a substantial proportion of the industry. These could be depended upon in practically every instance in which a regulation is required for the protection of public welfare to resort to the tactics above described and prevent indefinitely the effectuation of the purpose of the law.

The procedure set up in the bill to restrain the Secretary, while in form only seeming to protect industry rights, in effect amounts to the placing of the control of enforcement in the hands of those whose interests are contrary to public welfare and who have created the need for legislation.

It is true that the scope of the old law is broadened by the bill to include cosmetics, therapeutic devices, and certain drugs which are not now subject to regulation. It is true that in many instances the definitions of adulteration and misbranding have been expanded and strengthened, although even these improvements are studded with a notable number of exceptions. It is also true that the procedural provisions have been strengthened through authorization of injunction proceedings, although this, to some extent, is nullified by changes from the seizure section of the existing law, particularly that under which trial of seizure cases will in many instances occur in producing jurisdictions before juries whose sympathies would ordinarily be with local industries rather than in consuming jurisdictions where juries would be expected to display less bias.

Weighing the advantages and disadvantages for the protection of consumer welfare presented by the terms of this bill, we are unable to escape the conclusion that because of the extraordinary provision for court review of regulations in section 701 (f), which would postpone indefinitely the consumer protection that can now be afforded in some degree by the present law in much of the field to be covered by these regulations, it would be better to continue the old law in effect than to enact S. 5 with this provision.

If there is to be exploration into new methods of court review, such a radical departure from the well-established Federal procedure as is here proposed should be the subject of a separate bill, applicable to all Federal laws authorizing regulations, to be considered on its own merits. This important health legislation should not be made the sole medium for such experimentation.

Under date of March 28, 1938, the undersigned [CHAPMAN and MAPES] submitted the then latest draft of section 701, the court-review section, of the bill to the Secretary of Agriculture and asked for his views in regard to the same.

The following is a copy of his reply:

MARCH 29, 1938.

Hon. CARL E. MAPES,
House of Representatives.

MY DEAR MR. MAPES: Receipt is acknowledged of your letter of March 28, 1938, with which you enclose a copy of chapter VII, General Administrative Provisions, section 701, from the latest edition of S. 5 as agreed upon by the Interstate and Foreign Commerce Committee of the House. You ask for an expression of my opinion of the effect of the provisions of this section upon the administration of the measure.

I am of the opinion that if section 701 (f) remains in the bill its effect will be to hamstring its administration so as to amount to a practical nullification of the substantial provisions of the bill.

The clear intent of S. 5 is to close the channels of interstate commerce to food, drugs, devices, and cosmetics that are adulterated or misbranded. Because of the complex and technical nature of the subject matter involved a number of the most important definitions of adulteration and misbranding are incomplete and must have their clearly stated outlines filled in with scientifically accurate details before they can be enforced. The bill delegates to the Secretary of Agriculture the quasi-legislative power to ascertain the necessary technical facts and supply the details that will complete these definitions, thus effectuating the legislative will.

The Secretary is entrusted with these powers in connection with sections 401, 403 (j), 404 (a), 406 (a) and (b), 501 (b), 502 (d), 502 (f) exclusive of the proviso, 502 (h), 504, and 604. These sections are extremely important. They relate to the identity and quality of food, to requirements with respect to special dietary food, to contaminated food, to poisonous substances in food, to coal-tar colors in food, drugs, and cosmetics, to determine adequate tests for official drugs, to narcotics and habit-forming drugs, to probable misuse of dangerously potent drugs, and to labeling drugs liable to deterioration.

Section 701 (f) permits any person who will be adversely affected by any order authorized by the sections listed above to file, any time within 90 days after the issuance of the order, a complaint in the district court for the district where such person resides or has his principal place of business, to enjoin the Secretary from placing the order in effect. This subsection contains the unique provision directing the courts to permit the complainant to supplement the evidence recorded in the Secretary's hearing upon which the order was based. This constitutes an invitation to those who would obstruct the enforcement of a regulation to withhold or conceal evidence that should have been given in the hearing and to employ such evidence merely for the purpose of upsetting the order and thus postponing indefinitely the enforcement of the regulation. In the event such order is upset there is nothing to prevent the same complainant from instituting new proceedings on a new order and thereby causing further delay. In fact, every amendment of an order could be a ground for the institution of new proceedings.

Even though a number of district courts might uphold an order, demanded alike by the public and by the overwhelming majority of the industry regulated, to terminate abusive practices, a single district court could enjoin permanently the enforcement of the regulation.

Frankly, I regard this provision as unfair to the Department, to the public, and to the industries regulated, the majority of which unquestionably would support regulations, based on substantial evidence, which the Secretary of Agriculture would promulgate. It would constitute a serious impediment to orderly administrative operations. If a bill containing this provision were enacted, it would not constitute any material contribution to the public protection that the Department cannot now extend under the existing law. In some respects it would afford even less protection than that afforded by the existing law, which is broad and general in its terms and is to some degree applicable and effective in the fields covered by the sections involved in this discussion.

It is the Department's considered judgment that it would be better to continue the old law in effect than to enact S. 5 with this provision.

If there is to be exploration into new fields of administrative law, may I urge that it not be in the field of vitally important public-health legislation.

There has not been sufficient time to permit the Department to ascertain the relation of the foregoing to the program of the President.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Attention is called especially to the following statements in the letter of the Secretary:

"I am of the opinion that if section 701 (f) remains in the bill its effect would be to hamstring its administration so as to amount to a practical nullification of the substantial provisions of the bill.

"It is the Department's considered judgment that it would be better to continue the old law in effect than to enact S. 5 with this provision.

"If there is to be exploration into new fields of administrative law, may I urge that it not be in the field of vitally important public-health legislation."

The section as submitted to the Secretary of Agriculture was the same as the section as reported by the majority of the committee, except in two particulars, one of which weakens the enforcement provision of the section, the other of which has no effect on it one way or the other, in our opinion.

The committee amended the draft of the section as submitted to the Secretary, (1) by striking out of the committee substitute, page 82, line 19, after the word "shall", the words "if in his judgment sufficient reason appears for so doing"; and (2) by inserting, page 84, line 8, after the word "shall", the words "upon the showing that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence at the proceeding before the Secretary."

As stated, the first amendment weakens the enforcement provision of the section. The second one requires nothing more than a court would ordinarily require without it.

If this bill is enacted into law with section 701 (f), the court-review section, in it, as reported by a majority of the committee,

what started out as an effort on the part of the advocates of a more adequate food and drug law to enlarge the scope of the existing law, to fill in the loopholes in it, and to put more teeth into it, will end with having accomplished the directly opposite result and years of earnest effort will have gone for worse than naught.

VIRGIL CHAPMAN.
JERRY J. O'CONNELL.
CARL E. MAPES.
CHAS. A. WOLVERTON.
JAMES WOLFENDEN.
PEHR G. HOLMES.

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, I want to say at the outset that the matter I shall refer to is one that was given some consideration in the committee, and I may say that the committee gave every consideration to the cheese industry. They were perfectly agreeable to have any amendment put in the bill that might be helpful to this industry. Inadvertently, however, and I am sure without intent on the part of any member of the committee, quite a serious injustice is being done the cheese industry in this bill. I feel confident that the chairman of the committee and other members of the committee will be willing to accept the amendments that I shall propose which are necessary in order to protect the cheese industry.

On page 58, at line 2 of the bill, there is language which has, as its effect, precluding the Secretary of Agriculture from fixing certain standards. In other words, under the philosophy of that section, the Secretary can fix certain standards, but states, as written now, that so far as fresh fruits and vegetables are concerned and so far as butter and cheese are concerned the Secretary shall not fix standards. This was put in because the friends of the dairy industry thought this was the way to protect the cheese industry.

The butter industry, as I understand it, wants to remain in the bill, but by putting the word "cheese" in there it means the Secretary of Agriculture cannot fix standards for cheese, and the cheese industry is unanimous in wanting the Secretary to fix these standards. I think this will appeal to your good common sense when you stop to realize the different kinds of cheese that are on the market, various types of cheese, imported and domestic; and, therefore, if we are to maintain high standards for cheese, it is necessary that the Secretary of Agriculture retain the power that he now has to fix standards for cheese.

Mr. SIROVICH. Why was it taken out?

Mr. BOILEAU. The gentleman from New York asks me why was cheese put in there. It was put in there along with butter, and it was thought at the time that it would be helpful to the cheese industry; but I want to say—and I can say this without fear of contradiction—that there is not a Member of the House who has any other information than what I am going to give you now, and that is this: The cheese industry is unanimous in wanting this stricken out of the bill.

I have a letter here from the National Cooperative Milk Producers Federation, an organization representing all the cooperative cheese factories in the country, wanting the word "cheese" stricken from the bill.

I also have here a letter from Mr. George L. Mooney, the secretary of the National Cheese Institute at Plymouth, Wis., which is the cheese center of the world, and he wants cheese stricken out of the bill.

So that as far as the cheese industry is concerned, it is unanimous in wanting that power left in the Secretary of Agriculture, and in wanting him to continue the fine work he has done in establishing these standards of quality in the cheese industry. Although I have not the assurance of the gentleman from California [Mr. LEA], I feel certain that he will at the present time be willing to accept this amendment, because I know the word was put in under the assumption that the cheese industry wanted it in there.

In connection with that amendment, there are two others that are essential. One will be to clarify the situation that I have referred to by striking out of the provision on page 92, lines 7 and 8, the following language:

The act of June 6, 1896 (U. S. C., 1934 ed., title 26, chap. 10), defining cheese and providing a standard therefor.

That language is now in the bill, and it should be stricken out.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MAPES. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. BOILEAU. I want to strike out the words "defining cheese and providing a standard therefor" because the cheese industry maintains that that act does not define cheese except only insofar as the act referred to; that is, the Filled Cheese Act. We do not want that language in there because it is subject to misinterpretation. The Filled Cheese Act defines cheese for the purpose of that act, because if these are the standards set up in the Filled Cheese Act, we could not have certain types of cheese. Notably, cottage cheese could not be sold under that term. That act was defining cheese only for the purpose of the Filled Cheese Act.

There is another amendment along the same general lines, and that is on page 92, line 23, to strike out the period in line 23 and insert the following:

; the Filled Cheese Act of June 6, 1896 (U. S. C., 1934 ed., title 26, chap. 10), the Filled Milk Act of March 4, 1923 (U. S. C., etc.), or the Import Milk Act of February 15, 1927.

The purpose of that amendment will be to make it clear without any misunderstanding that those three acts are not modified or repealed in any respect. I am sure the committee will be willing to accept these three amendments. They are all necessary for the preservation of the cheese industry.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. REECE].

Mr. REECE of Tennessee. Mr. Chairman, it is not my purpose to undertake a detailed explanation of the bill. The chairman made a very excellent explanation. He also pointed out the importance of an extension and strengthening of our present Food and Drugs Act. A great deal of good has been accomplished under the provisions of the present act. The act has been well administered. The present head of the Pure Food and Drug Administration has been conscientious in the administration of the act, and has done a splendid job for which he is entitled to the thanks of the people of the United States. The Pure Food and Drug Administration has been advised with intimately in the drafting of the present bill. It greatly extends the power of the Administration in dealing with this important subject, and I think I am justified in saying that every provision of this act, with the exception of the court-review provision, substantially meets the views of the Department of Agriculture. The committee which has been considering this legislation now for more than 4 years has been very conscientious, and I feel has not given such earnest and sympathetic consideration to any other legislation that has been before it as it has to this bill dealing with food, drugs, and cosmetics. I fear that, due to the emphasis which has been placed on the court review section today, there is a possibility that the House might be misled as to the bill as a whole. As I said a moment ago, this is a far-reaching bill, and the Department of Agriculture takes no exception substantially to any provision in the bill except the one which contains the court review. Then, in that regard, as the chairman of the committee explained, it is not substantial, and he is going to offer one amendment which we hope will go a long way toward meeting the objection against that provision.

This is, in fact, a very drastic pure food and drugs bill, and I think I am rather familiar with the subject. It strengthens the Wiley Act in many important particulars. The bill will enable the Department of Agriculture to effectively protect the interests of the consuming public in regard to drugs and food and also cosmetics, which are being brought within the

jurisdiction of the act for the first time. There are many drastic abuses being committed at present which it is impossible to reach under the present law, violations that greatly endanger the health of the citizens, individually and collectively, and, insofar as the committee and the Department were able to determine, there is no violation which may endanger the health of the public but which can be reached under the provisions of the bill now under consideration.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MAPES. Mr. Chairman, I yield 2 additional minutes to the gentleman from Tennessee.

Mr. REECE of Tennessee. Regardless of our individual views with reference to the court-review provision, it is impossible for me to bring myself around to the viewpoint that difference of opinion on this court-review provision, granting justification in a large measure for the views of the opponents of the court-review provision, as contained in the bill could nullify this bill in its entirety so as to make it an undesirable piece of legislation. I think the bill justifies the support of every friend of effective pure food, drug, and cosmetic legislation.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. REECE of Tennessee. I yield.

Mr. HOUSTON. Is it not a fact that outside of the court-review features of this bill all the controversial measures we have had in connection with the bill over the past 4 years have been ironed out?

Mr. REECE of Tennessee. To a remarkable degree to the satisfaction of both the Department and the industry. It is true that the provisions of the bill are far from what the industry would like, but the legitimate part of the industry is in a large measure satisfied with the bill and feels that it can operate under it. I also wish to say for this great industry that it likewise, after the committee got into the consideration of this subject, has shown a reasonable attitude in its cooperation to bring about effective legislation, recognizing that it is to the interest of the legitimate industry as well as the public to have effective legislation upon the subject. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL. Mr. Chairman, as I entered the Chamber this afternoon I heard an argument on spray residue.

Are sprayed apples dangerous to health? If they are, of course, we do not want the people to eat them. The Food and Drug Administration says "yes." I am afraid that the Food and Drug Administration has been reading a book called "One Hundred Million Guinea Pigs." I remember when I read that book I felt quite creepy. I had the feeling that I was full of germs and that I was going to die the next day; but I have lived quite a number of years since then and I am going to live another half century to disprove the theme of One Hundred Million Guinea Pigs. We have a lot of germs that do not hurt us at all, and we want to take these regulations and articles and books with a grain of salt. When the Food and Drug Administration makes a ruling it refuses to revise its decree even in the face of convincing facts. It is as irrevocable and unchangeable as the laws of the Medes and Persians. These peoples are now only a name on the pages of history. Does the Food and Drug Administration invite a like fate?

Actual experience says "no." We who live out in Washington know people who have sprayed for days, and weeks, and months, and years, three generations of them, and all have lived to a ripe old age; it does not affect them at all. "The proof of the pudding is the eating thereof." Again, boys, girls, men, and women out there eat sprayed apples and we have yet to find a single death not only in our State of Washington but in the United States from eating sprayed apples. I defy anyone on the floor of this House to show me any case of death from the eating of sprayed apples.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. HILL. I am sorry, I have not time.

By the way, Mr. Chairman, our boys attending the University of Washington—members of our rowing crew—are called the Huskies. Many of them live out in our orchards and eat sprayed apples from the Yakima and Wenatchee Valleys. They came to Poughkeepsie, I may say to my good friend, the gentleman from New York [Mr. SIROVICH], and for 2 successive years, the varsity, the junior varsity, and the freshmen, all three groups, won the regatta. They went to the Olympics and won that, too. "They came, they rowed, they conquered"; and they have been eating sprayed apples since childhood. My friend from Kansas [Mr. HOUSTON], the House wit, wonders what they would do if they ate spinach.

Mr. HENNINGS. Mr. Chairman, will the gentleman yield?

Mr. HILL. I hardly have the time.

Mr. HENNINGS. Who has won more regattas than the University of Washington at Poughkeepsie, since we are digressing?

Mr. HILL. None that I know of in late years. We also have in Washington inspectors who have tested apples from nonsprayed orchards and they find a residue of 0.018 on these apples. There cannot be anything the matter with the apples, there must be something the matter with the inspectors. This thing can be overdone, and we believe that it is being very much overdone.

What does this low-residue requirement do? It is unfair to the growers. A few years ago the growers used to wash their apples at their homes, doing the washing, sorting, and packing themselves, they and their families. Now they have to take their apples to packing houses where very expensive washing machines are used and the overhead is something unbearable. That is why a great many of our farmers are going under, financially. Secondly, it is not only unfair to the growers but it also impairs the keeping quality of the apples. In order to wash this spray off they have to use water at a temperature which almost cooks the apples. It impairs the keeping quality of the apples so that when we ship them out they do not hold up. In the third place, it decreases the demand of our consumers because the people in the East and people in Europe hear about this "terrible" spray and they do not want to buy our apples.

Mr. LEA. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. HILL. Mr. Chairman, I hold in my hand a book which I wish the distinguished doctor from New York [Mr. SIROVICH] would read. I will give it to him for that purpose. It is filled with affidavits from members of his profession in our State to the effect that there has not been a case in all the history of the State of Washington of death from this spray.

Mr. SIROVICH. Will the gentleman yield?

Mr. HILL. I gladly yield to the gentleman from New York. He is one of the most liberal and progressive members of this body. He always most eloquently discusses subjects of interest and importance on the floor of this House.

Mr. SIROVICH. I sympathize fully with the sentiments of the gentleman. Spraying lead arsenic on apples will not kill any human being, but unless the apples are washed with a diluted solution of hydrochloric acid they may cause gastrointestinal disturbances. May I pay tribute to the wonderful apples that the great State of Washington produces and to the fine and loyal representative they have in you.

Mr. HILL. Mr. Chairman, the Appropriations Committee took $50,000 from the food and drug department to give to the Public Health Service, which is making an investigation of this matter. This is the proper department to make this investigation thorough and conclusive. Two aides of Dr. Sayre down in his department have been experimenting on themselves by injecting this into their blood. We never get it that way out West. The only way we get it is by eating it; that is, by ingestion. We eat it and absorb some of it. The third way of getting this toxin is by inhalation when they spray. These aides have been experimenting by injection, ingestion, and inhalation for 2 months with no ill effects, and they take five times as much poison into their bodies as

one would get in the way of eating sprayed apples. The Public Health Service is making an investigation throughout the State of Washington also by watching and testing those who operate spray machines, and I think in the next 3 or 4 months they will prove this spray residue scare the bogy that it really is. They will prove it is all a myth and that there are no deleterious or injurious effects from the eating of sprayed apples.

There is one thing more I want to mention. The acid in the apple seems to have a neutralizing effect on the spray residue, so that the people who eat the apples suffer no serious effects from the toxin. We of the State of Washington are very much interested in this problem, and we are very serious, because we produce 34 percent, or one-third, of the commercial apples consumed in the United States, and we do not want our growers to be injured and practically driven out of business by arbitrary regulations automatically imposed by some Federal bureau here at Washington. [Applause.]

[Here the gavel fell.]

Mr. MAPES. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. WOLVERTON. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, we are considering this afternoon one of the most important pieces of legislation that has come before Congress during this session. Yet, from appearances on the floor of the House very little interest will be taken in this measure. It may be possible that this group of 50 men, or possibly less than 50, as well as the remainder of the Members of the House have a right to rest upon the recommendation of the committee in charge of the bill and vote for it without giving it very much attention. I believe that a measure affecting the health of the 130,000,000 people in this country should have pretty careful consideration by this Congress.

It has been 30 years since the original Pure Food and Drug Act was passed. Not very many important amendments have been added to this legislation during that period of time. Even that measure passed in 1906 was not written by experienced draftsmen, but by a group of well-intentioned amateurs, who followed the New York law. The original draft was amended and changed before it was seriously considered by Congress. Naturally, such a law did not anticipate many modern practices and changes, and no provision was made for them. These omissions have offered handicaps to public protection. A good many weaknesses have been discovered by enforcement officials in their efforts to administer the statute, and many defects have been brought to light by reason of judicial interpretations.

In the Seventy-fourth session of Congress, Senator COPELAND introduced a bill that was intended to improve and strengthen the present food and drug law. Hearings were held on the bill, but it was not given consideration on the floor of the House. Then, in January 1937 Senator COPELAND introduced a new bill, S. 5, similar to the one that was introduced in the previous Congress. This bill was amended and emasculated to a considerable extent by the Senate committee, as well as in the Senate. The bill passed the Senate, with amendments, more than a year ago. Since that time, it has been in the hands of the House Committee on Interstate and Foreign Commerce.

Today, a substitute for the amended S. 5 is brought to the floor of this House under a special rule, without any notice to the membership. We have been given 2 hours' time during which to debate this important piece of legislation. Amendments will be offered, but I think it is sufficient to say that very few changes will be made in the form or effect of the measure which is before us. I feel that if the proponents of this measure were in sympathy with providing legislation to protect the consuming public of this country—they should not have permitted this bill to come to the floor of the House, during the last hours of the session, and ask that it be put through without giving it sufficient time for debate and consideration.

I have been allowed only 7 minutes' time during which to speak on this measure, but I think I can say, without contradiction, that in nearly all cases where amendments and changes have been made in this bill, that they have not been made in the interests of the consumer. What I mean to say is that S. 5 when first introduced was a fair and reasonable bill, designed primarily to give the public real protection. The measure which has been brought before us is such a departure from that bill that this Congress would do the country a favor if it would recommit the bill to the Committee on Interstate and Foreign Commerce, rather than allow it to be enacted into law. I am willing to give credit to the members of the committee for having given this measure a lot of consideration, but am not willing this afternoon to give the committee very much credit for the explanation that has been made on this bill. I am willing to admit there are a number of items in this measure that are worth while As a matter of fact, they should be enacted into law, but I do not believe this legislation, taken as a whole, should be passed by Congress.

I have the highest regard for the gentleman from Ohio [Mr. FLETCHER]. He stated his case very frankly. It was suggested by a constituent that he offer an amendment to this bill. This he has a right to do. If he decides that such an amendment is not for the best interests of the consuming public, he will not even propose it. He is to be commended upon his position in this respect.

Something has been said about this bill having been recommended by the Department of Agriculture, and especially by the Food and Drug Administration. I do not believe the Food and Drug Administration recommends this bill as is. I do not know about it, but just do not believe it does.

Mr. FORD of California. Mr. Chairman, will the gentleman yield for a brief question?

Mr. REES of Kansas. I yield.

Mr. FORD of California. I will tell the gentleman that they do not.

Mr. REES of Kansas. I thank the gentleman.

Conceding that there are many worth-while features in this bill, why weaken them and make them ineffective by including other provisions, which have been pointed out by the Members who have preceded me? This is just another piece of hodgepodge legislation. It has the appearance of being a case where somebody thought we should have legislation on the question of pure food and drugs, and so we have been handed this afternoon, as I view it, a measure which will make the situation much worse than if we did not pass it at all.

I call your attention to a letter which was received by the membership of this House, that is signed by representatives of the following organizations: American Association of University Women, American Dietetic Association, American Home Economics Association, American Nurses Association, Girls Friendly Society of the United States of America, Council of Women for Home Missions, Medical Women's National Association, National Board of the Young Women's Christian Association of the United States of America, National Congress of Parents and Teachers, National Council of Jewish Women, National League of Women Voters, National Women's Trade Union League, Women's Homeopathic Medical Fraternity, and the National Consumers League, all of whom make the statement that they have consistently worked for the past 5 years for an adequate revision of the present Food and Drug Act to insure protection of the public from dangerous and fraudulent products. They also state that the measures which have been under consideration for the past 2 years do not meet entirely with their approval. Then they state sepcifically that unless subsection (f) of section 701 is stricken from the bill—not amended, mind you—that they are opposed to the enactment of this measure.

I do not believe there is a Member of this House who has had a letter or telegram from anyone purporting to represent the consuming public requesting him to vote for this bill.

I think the Committee will agree with me that, with few exceptions, the amendments that have gone into this bill

since it was introduced have not been so much in favor of the consumer as they have been in the protection of the manufacturer.

Briefly, let me call attention to some of the outstanding criticisms against this bill, which are almost unanswerable. Under the bill, a complaint is filed at the place where the law is violated. Then the defendant is given a right, on his own motion and without any cause, to remove his case to any State adjoining the one where the law was violated. In other words, if he does not like the Federal judge in that particular State, he can go out and select one of half a dozen other States in which to try his case. There is no precedent for this kind of procedure anywhere.

There is another provision in this bill which provides that if action has been filed against a defendant, or judgment rendered against him—that he may go into a Federal court and have his case tried again, not in the nature of an appeal but in the nature of a new trial. And, as I read the bill, he may go into almost any Federal court that he chooses. There is no precedent for this procedure. As a matter of fact, the proponents of the bill agree that it is almost an innovation. It would not be so bad if it improved the present situation, but, in my judgment, it simply provides more continuances and longer delays. I regret I have not more time to discuss some of the more detrimental features of this bill.

It has been suggested by some of the Members that amendments could be offered to take care of the most important defects in the bill. The proponents of the measure do not want to accept such amendments for the reason that they do not believe they are necessary. This House should send the bill back to the Committee on Interstate and Foreign Commerce. When the next Congress convenes it can give consideration to a real, honest, constructive, workable bill that will give fair protection to the consumers of this country who will be affected by such legislation. Let us be fair to the manufacturer and the distributor, but at the same time let us be quite sure we give fair and reasonable protection first to the health and happiness of the 130,000,000 consumers to whom we are responsible for this legislation.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Chairman, I intend in the brief time I have to devote my remarks largely to the matter of spray residue, that my colleague [Mr. HILL] has heretofore mentioned, and, likewise, in that connection, to discuss this provision for court review. I have no desire, and I do not think there is a Member of Congress on either side of the House who has any desire to in any way weaken the safeguards we have tried to establish for the protection of the general public against poisonous drugs and foods, but we must not forget that an arbitrary Government bureau, however benevolent and kindly it may be, can issue an order or regulation that destroys the very economic existence of tens of thousands of Americans. Now if we do not have a court open, to which we may go for review and relief, then we are left helpless.

Personally I have the highest regard for Dr. Campbell, head of the Pure Food and Drug Department. I know him well, and I respect him, although I differ with him very much in his conclusions and findings on spray tolerance for apples and pears. I am satisfied that we would get a higher degree of efficiency in pure food and drug regulations if that bureau were identified with the Public Health Service, because there is where you find a great group of scientists in this particular field, charged with the duty and responsibility of safeguarding the public health.

Let us see now for a moment what has happened to the apple industry in the United States, and particularly in the State of Washington and in my district. My congressional district produces perhaps more commercial apples than any other district in the United States. My colleague, Congressman HILL, of Washington, has the district that comes second. I have 60,000 people whose livelihood depends upon the production and sale of commercial apples.

This is not a political question. In 1926 a small group of chemists told the Secretary of Agriculture—and that was under a Republican administration—that arsenate of lead, particularly lead, as found upon apples and pears, was poisonous and that the lead found on apples had a cumulative effect when taken into the human system, by eating, and that the result would be deleterious to human beings. The apple men were told that they must reduce it to a certain minute figure. This was all done arbitrarily and with no opportunity for a single person to offer evidence, and without any sufficient scientific facts being found. That regulation was put into effect, and the American apple grower tried to comply with it. The first regulation only required wiping the apples. A few years later they reduced it further and then further and further, and there have been three reductions until now the only way that a grower of fruit can comply with it is to treat the apples in a hydrochloric solution at a temperature of 110 degrees, which almost destroys them. Thus you see a great branch of agriculture rapidly being destroyed by an arbitrary order of one man.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. If I had additional time I would be very glad to yield.

Now after the apples have been packed and boxed and are ready for shipment, if an inspector finds that the amount of spray carried is beyond the tolerance, which is 0.018 grain per pound of fruit, an infinitesimal part of the apple, the Government agent then requires the entire shipment to be rewashed or else destroyed. And there is no relief to the grower as he is denied the right to question the agent's order, even though it means his financial ruin. We are content and willing to comply with reasonable regulations, but we insist that the regulation fixed is an arbitrary one, without foundation in fact, and, to prove that, a year ago the Food and Drug Administration seized from the Washington Dehydrated Food Co. thousands of dollars' worth of dehydrated apples in St. Louis, and the owner said, "I have complied with your regulations," but the food and drug experts said "no," that he had exceeded the tolerance allowed him in lead, and they libeled those dehydrated apples. He went into the United States District Court for the Eastern District of Missouri and the district court, after a full hearing was had before it without a jury, found there was no basis of fact for the Department regulation on spray residue.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. LEA. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. LEAVY. The Government appealed that case, and I shall place in my remarks the citation of the circuit court of appeals, and it was heard last summer. The eighth circuit court affirmed the lower court and again said that is no basis in fact for this arbitrary regulation. The case I refer to is United States against Washington Dehydrated Food Co. (89 Fed. (2) 606). The man had lost thousands of dollars' worth of his property by destruction by this Government agency and has no remedy, unless Congress passes a special relief act. The fruit industry in the Northwest has lost $30,000,000 in trying to comply with this arbitrary regulation since 1926 when this regulation was put into effect.

Now would you still deny us the right to go into court and test the validity of the act? If there was ever a case where a great group of Americans were being destroyed by a bureau order, it is this arbitrary spray-residue regulation. We have hopes that Secretary Wallace will grant us some relief, but I urge you not to deny us our day in court. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. COFFEE of Washington. Mr. Chairman, sometime ago the House committee reported its own substitute for the Copeland bill. I am not going to analyze that bill in detail, but just touch upon a few essentials.

When the famous elixir sulfanilamide claimed its 73 victims last fall, the Secretary of Agriculture made certain recommendations to Congress for legislation to prevent the recurrence of such utterly needless and inexcusable tragedies. Especially he recommended that secret remedies be prohibited by requiring that labels disclose fully the composition of drug products. Many foreign countries, he pointed out, now impose this requirement. Many drugs manufactured in the United States are exported to such countries under labels revealing their ingredients. But the same drugs are sold to our own citizens under labels giving no hint of their composition.

Under various State laws the labels of veterinary medicines for hogs, horses, and cattle have to declare their composition. Certainly the human being is entitled to as much consideration as a draft horse or a hog bound for the slaughterhouse. Both the physician and the humble self-doctor have a right to know what medicine they administer.

The House bill, however, does not require the food or drug manufacturer to reveal the ingredients of his product on the label where the consumer can see it. He may instead file his formula with the Secretary of Agriculture, who probably knows it anyhow. When an allergic individual is killed by some secret ingredient in a patent medicine—aspirin, shall we say?—certainly it is going to be a comfort to his widow and orphans to know that at least Mr. Wallace knew of the danger, even if the victim did not.

In the case of cosmetics, where it is just as important for the allergic individual to protect herself against substances to which she is dangerously sensitive, there is no provision whatever for making such ingredients known.

How about the other recommendations of the Secretary to protect the public? The first and most important was license control of new drugs to insure that they will not be distributed until experimental and clinical tests have shown them to be safe for use. My own bill provided for such license control. Following the Secretary's report, my colleague from Kentucky [Mr. CHAPMAN], who has been waging a courageous fight for adequate legislation in this field, introduced a good bill along the line of the Secretary's recommendations.

Yet what do we find in the House bill? A back-handed type of control that puts the real responsibility on the Government. The manufacturer who proposes to put out a new drug product may simply turn over to the Department of Agriculture a sample of his product, together with the labeling he intends to use and what he considers proof of its harmless character when used as he directs. If at the end of 60 days the Secretary of Agriculture has not denied his application, he can go ahead with it.

Physicians, toxicologists, biochemists, and other experts in this field assure me that the length of time required to establish the safety and value of any drug product depends on so many factors that no such easy time limit can be set. The use of arsenicals in the treatment of syphilis required years of testing in the hands of physicians before they were relatively safe. Again, the development of insulin to the point where it was safe for general use, even by doctors, took several years, and many fatalities would undoubtedly have occurred had not preliminary investigations been carried on with great care and caution. Sulfanilamide, about which we hear so much, has been on the market for 2 years, but we still know relatively little about it.

For weeks past representatives of numerous drug interests have been badgering Members of Congress to have even this limited license control replaced by heavier penalties. But how, pray, could a fine of a few thousand dollars restore to life the victims of elixir sulfanilamide? The purpose of this legislation is supposed to be the prevention of such tragedies; not the reprimanding afterward of those responsible for them.

Proper license control is just as important for foods as it is for drugs. When the original Food and Drugs Act was passed back in 1906, its most widely heralded purpose was the elimination of preservatives in foods, like formaldehyde in milk or antiseptics in canned goods. The preservatives of today are more subtle. Now we find a manufacturer proposing to put in his chewing gum the antioxident which prevents the weathering of automobile tires.

We were shocked last fall to find that antifreeze had been used as the carrier for sulfanilamide in the fatal elixir. Yet manufacturers were using this same deadly ingredient in common foods, as we learned when the Food and Drug Administration seized more than 200 shipments of flavoring extracts and other products. I am told that some people even want to use this stuff in frozen eggs.

Note, then, that the House provides for license control of foods only when an epidemic is liable to occur from its contamination.

Shall we have to wait for another hundred deaths before we get proper preventive measures?

S. 5 provides no license control at all for cosmetics.

While S. 5 was still in the Senate, Senator BORAH succeeded in putting through an amendment which would require the trial of seizures in the shipper's home bailiwick. Under the present law, when the Government seizes an illegal shipment and the action is contested, the trial takes place where the goods are found. If a carload of Idaho apples is seized in New York City because it carries a greater residue of lead and arsenic than the Government experts consider safe for human beings, it is up to a jury of consumers in New York to decide for themselves whether or not that seizure was justified. Under the Borah amendment, the question would be determined by a jury of fruit growers and their employees back in Idaho. I need not point the moral.

Even more serious than this reprehensible amendment is a joker which has been slipped into the bill by the House committee. I refer to court review of regulations.

One would think from the Supreme Court decision against some of Secretary Wallace's regulations the other day that the industry already had ample protection against capricious or arbitrary administrative action. We suspect, therefore, that there may be other motives behind this joker. Let us see what they are.

Many of the most important health provisions in the bill are taken care of through regulations. The scientific questions involved are too technical and too complex for Congress to be expected to cope with them in detail. The usual procedure is to leave the details to be filled in by regulations, as has been done in the Interstate Commerce Act and any number of other highly successful statutes. There is nothing radical or revolutionary about the sections in S. 5, which authorize the Secretary of Agriculture to issue a regulation concerning, let us say, the amount of lead and arsenic which will be permitted on apples shipped in interstate commerce. The bill provides that such a regulation shall be issued only on the basis of the best scientific advice and after a public hearing at which there is ample opportunity to present all the evidence on both sides. It is the only rational way of dealing with the problem.

However, the court review joker provides that within 90 days after the regulation has been issued anyone in the country who believes he may be injured by it—from the grower in Idaho or Virginia to the pushcart vendor in New York—may apply to any Federal court for an injunction against it. Should the injunction be granted, it would restrain enforcement in every other jurisdiction in the United States. This is an extraordinary innovation in judicial procedure. There is nothing else like it on the statute books. We may well ask what place such experiments have in vital health legislation.

But suppose the Government should succeed in overturning the injunction in a higher court. Could the regulation still go into effect and the Government proceed in an orderly way in its protection of the public? Not at all. If a substantial portion of the industry—and that means the vociferous minority which can always be counted on to obstruct—proposes to amend or repeal the regulation it is mandatory upon the Secretary, under the language of the bill, to reopen the issue, hold new hearings, and announce either a new regula-

tion or the continuance of the old. As soon as he does so, the industry can once more apply for an injunction. If a single district judge can again be found to issue such an injunction, the regulation will again be rendered ineffective. With more than 100 Federal judges functioning through 82 courts, the odds always favor the injunction seeker.

Should the Government attempt to take any shipper into court for violating a regulation, it is obvious what would happen. His industry would immediately propose the amendment or repeal of the regulation. While hearings were pending, it would be impossible for the trial to proceed.

When you realize that this vicious chain of events would be going on interminably in connection with each and every regulation, you can see how impossible it would be to put into force any section of the law. Of this provision, or its Siamese twin, the Secretary wrote to Representative MAPES:

Frankly, I regard this provision as unfair to the Department, to the public, and to the industries regulated, the majority of which unquestionably would support regulations, based on substantial evidence, wh'ch the Secretary of Agriculture would promulgate. It would constitute a serious impediment to orderly administrative operations. If a bill containing this provision were enacted it would not constitute any material contribution to the public protection that the Department cannot now extend under the existing law. In some respects it would afford even less protection than that afforded by the existing law, which is broad and general in its terms and is to some degree applicable and effective in the fields covered by the sections involved in this discussion. It is the Department's considered judgment that it would be better to continue the old law in effect than to enact S. 5 with this provision.

To his condemnation six Members of the House committee add:

If this bill is enacted into law with section 701 (f), the court-review section, in it, as reported by a majority of the committee, what started out as an effort on the part of the advocates of a more adequate food and drug law to enlarge the scope of the existing law, to fill in the loopholes in it, and to put more teeth into it, will end with having accomplished the directly opposite result and years of earnest effort will have gone for worse than naught.

Certain of the women's organizations, such as the National League of Women Voters, which held its annual convention in St. Louis a few weeks ago, have emphatically served notice on Congress that they will oppose the passage of S. 5 unless this joker is struck out.

Mr. Chairman, under leave to revise and extend my remarks in the RECORD, I include herein an editorial from the St. Louis Post-Dispatch, in its issue of May 2, 1938. This editorial points out the weakness of the pending pure food and drug bill as it has been altered in the House Interstate Commerce Committee.

The editorial is as follows:

VICIOUS JOKER IN THE DRUG BILL

The country has long needed new food and drug legislation to replace the present outmoded and defective act, originally passed in 1906. The original version of the bill now before Congress, drafted after long and thorough study, promised to remedy most of the existing deficiencies and extend proper protection to the public. The bill has been so altered in the House Interstate Commerce Committee, however, as to make it almost valueless.

Punishment of offenders would become virtually impossible under the terms of a new provision, section 701F, that has been inserted in the bill, establishing a wholly unprecedented type of judicial review. This joker provides that any person adversely affected by a food and drug regulation—whether manufacturer or dealer—may apply in his local Federal district court for an injunction forbidding the Secretary of Agriculture, the responsible official, to enforce the law, not in that district alone, but anywhere in the country.

Thus, if one district judge could be found who would issue such an injunction, though the 82 others over the Nation had refused to do so, the Government would be helpless. Even if the injunction were upset by an appellate court, offenders have the privilege, under the bill's terms, of demanding a new hearing, seeking a new injunction, and carrying on the dilatory process indefinitely. The Government, by this plan, is kept on the defensive; it must prove on each occasion that its regulations are fair and just before it can even begin prosecution. Each judge thus is assumed to be a specialist in chemistry, medicine, dietetics, pharmacy, biology, etc., able to determine at once whether a particular regulation is justified. Even more—each judge is empowered, after he issues an injunction, to direct the Secretary of Agriculture to take whatever further action the court may think justice requires.

The joker creates not only an impossible enforcement problem, but it sets up a new concept of the relations among the executive, legislative, and judicial functions of the Government. It is a radical departure from the practices that have always obtained in enforcement of other laws.

It is hence not surprising to find the House committee minority reporting that if section 701F is retained, "what started out as an effort to enlarge the scope of the existing law, to fill in the loopholes and put more teeth into it, will end with having accomplished the directly opposite result, and years of earnest effort will have gone for worse than naught."

Neither is it surprising that Secretary Wallace says: "Its effect would be to hamstring administration so as to amount to a practical nullification of the substantial provisions of the bill."

The journal of the American Medical Association sees justification in "a demand by every consumer of foods and drugs and every user of diagnostic and therapeutic devices that his Representative in Congress use his best efforts to prevent enactment of the bill in the form proposed."

And a speaker for the League of Women Voters, which has made a close study of this legislation throughout its course, said at the national convention here last week: "Under this provision, it might be a generation before any one regulation of major significance would go into effect."

The bill as it stands marks a victory for the minority that has profited by the defects of the present law. It marks a defeat for the consumer and for ethical business. The revised bill has other defects as well, but section 701F is the major flaw which should arouse public concern.

By all means, the committee or the House itself should kill this dangerous provision. Failing that, it would be wise to shelve the matter and wait for action at the next session of Congress. The present law, after all, is merely a weak one. The pending bill with its joker is a vicious measure.

As a further statement to buttress my arguments, I include an article from the May 1938 Consumers Reports, official publication of the Consumers Union of the United States, Inc., a consumers' group of 70,000 members:

S. 5, A GROSS BETRAYAL OF CONSUMER INTERESTS—IT MUST BE DEFEATED

S. 5, the food and drug bill, with a long but not honorable past, has been favorably reported to the House of Representatives by the Committee on Interstate and Foreign Commerce.

As it now stands, the bill might well have been written by the most disreputable elements in the patent medicine and food industries. Surely it is all they could have hoped for even in their most optimistic moments. The bill represents a gross and willful betrayal of consumer interests.

Defects that have characterized previous versions of S. 5 are still present. The power of the Food and Drug Administration to make multiple seizures—one of its few effective weapons up to now—would be restricted under the bill; trials of seizure cases would have to take place in the shipper's own district, which means that verdicts would frequently be handed down by juries sympathetic to the offending manufacturer.

But these weaknesses are mild compared to newly added provisions for an amazing new kind of court review of regulations. These would so impede administrative processes as to make many of the bill's most important sections virtually unenforceable.

To their credit, six members of the House Interstate and Foreign Commerce Committee refused to report favorably on S. 5. (The six: VIRGIL CHAPMAN, of Kentucky; JERRY J. O'CONNELL, of Montana; CARL E. MAPES, of Michigan; CHARLES A. WOLVERTON, of New Jersey; JAMES WOLFENDEN, of Pennsylvania; and PEHR G. HOLMES, of Massachusetts.) Instead, they prepared a minority report, pointing out the vicious character of the court review section of the bill. Secretary Wallace has also made known his belief that this section would so hamstring the administration of the bill as to nullify its effectiveness.

The provisions which have been so ingeniously devised to shield the manufacturers of patent medicines, cosmetics, and foods at the expense of public welfare are, briefly, as follows:

1. Any person—and this includes any retail dealer—who may be adversely affected by any regulation promulgated by the Secretary of Agriculture as provided by the act can, within 90 days of the issuance of such regulation, apply to a district court for an injunction to restrain its enforcement.

What would this mean, for example, if the Secretary should desire to issue a regulation requiring the labels of pain or headache remedies containing acetanilid or its derivatives—all dangerous and habit-forming drugs—to bear a warning against overdosage or habitual use?

There are at least 35 manufacturers of this type of preparation who could seek injunctions in their local courts. Each one of the thousands of drug store owners who make money by the sale of, say, Bromo Seltzer or Anacin, could likewise ask for injunctions. If a single district judge anywhere in the country issued the requested injunction, the regulation could not be enforced anywhere in the United States, even though every other district court in the country had refused to issue an injunction.

The Secretary would then have to hold hearings and announce a new ruling. Upon its announcement, the new ruling would be subject to a fresh crop of injunctions. And this process could go on ad infinitum.

Meanwhile every other regulation promulgated by the Secretary might be simultaneously undergoing the same kind of sabotage. The Food and Drug Administration would be very busy holding hearings, but, as a consumer-protective agency, it would be impotent.

2. Even if the Government could overturn the injunction through the appellate courts, there is a second provision which would make it possible to stall off enforcement. It is mandatory under the bill for the Secretary of Agriculture to hold public hearings whenever any interested industry, or a "substantial portion" of it, submits a proposal to issue, amend, or repeal a regulation. Following such hearings, the regulation would be subject within 90 days to a further deluge of injunctions.

Note that proposals need not be made by the entire industry; only by a "substantial portion" of it. As pointed out in the minority report submitted by Mr. CHAPMAN, in most of the industries affected by the bill there are vociferous minorities strenuously opposed to any type of regulation, sufficient in number to form a "substantial proportion" of the industry.

They could be counted upon to take full advantage of the procedures permitted by the bill and thus prevent indefinitely the enforcement of any regulation detrimental to their business.

The regulations put at the mercy of this fantastic legal merry-go-round would take in those covering food contaminated with disease organisms, where distribution might result in serious epidemics; the use of poisons in food; informative labeling of special foods, including those used by infants and invalids; the listing of dangerous drugs; label warnings against probable misuse of dangerously potent drugs; the establishment of adequate laboratory tests of important official drugs—and many others. To quote the minority report: "These provisions constitute the very heart of any worthy food and drug legislation."

If S. 5 is enacted, it means that the 5-year fight to obtain decent consumer protection under the law will have ended in worse than defeat, for this law gives consumers less protection than they have now.

It means that the already long list of victims of patent medicines and reducing preparations containing dangerous drugs (aminopyrine, dinitrophenol, cinchophen, and acetanilid for example) will grow.

It means in short that enforcemnt of the food and drug law will be controlled by those whose utter unscrupulousness and disregard of public welfare created the need for a new and more stringent law.

The best immediate tactic for consumers is to prevent the bill from being brought up, if possible since there is grave danger that it will be passed once it gets on the floor.

Letters or telegrams should be sent immediately to Mr. JOHN O'CONNOR, chairman of the House Rules Committee, demanding that S. 5 not be brought before the House until public hearings have been held on it, and pointing out that such hearings are essential because of the court review section which nullifies important protective features of the bill.

Congressmen from your own district should be urged to exert pressure on the Rules Committee to prevent the bill from being brought up, and to fight the bill if it is presented. Remember that a Congressman, if he pays attention to anything, pays attention to the mail from his own constituents.

Consumers can and must defeat this bill. And once it is defeated, they must fight for honest consumer-protective legislation, whether it be the Consumers Union food, drug, and cosmetics bill introduced by Congressman JOHN M. COFFEE, or some other bill. Consumers should also keep in mind the names of those Representatives who betrayed their constituents by reporting favorably on this legislative sell-out. The six notable exceptions have been named. Representatives who reported favorably on the bill are:

CLARENCE F. LEA (California), ROBERT CROSSER (Ohio), ALFRED L. BULWINKLE (North Carolina), PAUL H. MALONEY (Louisiana), WILLIAM P. COLE, Jr., (Maryland), SAMUEL B. PETTENGILL (Indiana), EDWARD A. KELLY (Illinois), GEORGE G. SADOWSKI (Michigan), JOHN A. MARTIN (Colorado), EDWARD C. EICHER (Iowa), THOMAS J. O'BRIEN (Illinois), HERRON PEARSON (Tennessee), GEORGE B. KELLY (New York), LYLE H. BOREN (Oklahoma), MARTIN J. KENNEDY (New York), JAMES L. QUINN (Pennsylvania), EDWARD L. O'NEILL (New Jersey), B. CARROLL REECE (Tennessee), JAMES W. WADSWORTH (New York), CHARLES A. HALLECK (Indiana), GARDNER R. WITHROW (Wisconsin).

Mr. WOLVERTON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, one of the maladies from which the people of this Nation are suffering is too much government. As a general proposition, I am opposed to any bill presented in this House imposing more restrictions, new regulations, and more burdens upon business and industry, large or small, in the Nation. It so happens that this bill contains a provision which practically closes the door to any man who may fall within its provisions and afoul of the law. He cannot have his day in court or a trial before a jury of his peers, a right which has been guaranteed to him by the Constitution.

I have heard a great deal in the Chamber this afternoon about apples. It so happens that in the congressional district which I have the honor to represent is located Oakland County and western Wayne County, Mich., in which there are some of the largest orchards in the State of Michigan. Some of the finest apples in the country are grown in Oakland County. I have been in those orchards. They are sprayed as often as seven times a season. I have been eating those apples for at least 25 years, so have the people of my county and district. These apples are shipped to many parts of the United States. I have yet to hear of a single case of injury, sickness, or death resulting from the eating of these apples because of poisons from spraying. I concede that the apples grown in my district perhaps do not have the high coloring of those grown in the district of my friend the gentleman from Washington [Mr. HILL]; but I submit and risk the challenge of contradiction of the statement that I now make that nowhere in this Nation are apples produced with superior flavor or even equal flavor to the apples grown in the Seventeenth Congressional District of Michigan. [Applause.]

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. Yes.

Mr. REES of Kansas. The gentleman had no trouble with the Pure Food and Drug Administration regulating the apples in his district, did he?

Mr. DONDERO. Not to my knowledge. I will say on behalf of the business and industry in my district that the general attitude of my people in substance is that they do not want to be burdened or harassed by any more additional Government regulation. More than one man has said to me that it is no longer a pleasure to do business in this country. [Applause.]

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. PHILLIPS].

Mr. PHILLIPS. Mr. Chairman, I take this opportunity, as I did about a year ago, to address the House on the subject of those inhuman monsters who delude suffering American people into believing that they can cure cancer. Any fair-minded person informed on that frightful medical subject knows that unfortunately there is no such things as a cancer cure. On occasion cancer has been, let us say hopefully, cured by X-ray or by radium, we are informed, and by surgery, let us hope; but other than that there is—and I make this statement without fear of contradiction—there is no such thing as a cancer cure. I also make the further statement without fear of contradiction that anybody who advertises a so-called cure of cancer other than through the use of X-ray, radium, or surgery is faking in the worst sense of the word. In my humble estimation such an individual is guilty of inhuman and entirely deplorable practice.

Mr. Chairman, I call to the attention of the House a letter which some of the Members may have received, and particularly I call it to the attention of those Members who did not receive it. This letter came to me in the mails from a Midwestern State. I shall not take time to read the circular, but will just read excerpts from it:

> This company's medicines dissolve tumors.

They advertise another medicine that corrects the blood, and it goes on to say:

> These medicine treatments cure cancer and tumor.

I maintain that this is a base and contemptible falsehood.

Mr. LUCKEY of Nebraska. Mr. Chairman, if the gentleman will yield, I have received a similar circular.

Mr. PHILLIPS. I know many Members did.

Mr. Chairman, the statement I have just read is a base and contemptible falsehood, as I have said. I believe legislation should be so worded that anybody so despicable as to throw out that straw of hope to people suffering from an

incurable disease would go to jail for such debased medical faking.

Mr. WADSWORTH. Will the gentleman yield?

Mr. PHILLIPS. I yield to the gentleman from New York.

Mr. WADSWORTH. The gentleman is aware of the fact that the House has already passed a bill covering that very thing?

Mr. PHILLIPS. I do not think too many bills can be passed to cover the subject.

Mr. WADSWORTH. The bill we passed completely covers the matter. The gentleman does not want it covered more than once.

Mr. PHILLIPS. I have some amendments I intend to introduce further nailing down the proposition that anybody who does advertise a cure for cancer is doing it illegally, because there is no such thing as a cure except by surgery, X-ray, or radium.

Mr. FLETCHER. Will the gentleman yield?

Mr. PHILLIPS. I should like to continue.

Mr. FLETCHER. There is the radio from across the border.

Mr. PHILLIPS. I think American citizens guilty of that ought to have their citizenship taken away from them.

Mr. Chairman, I called the attention of the Members of the House to a situation a year ago and I want to call it to their attention again. I hold in my hand a letter which purports to come from a so-called school of medicine, written to someone in my district, wherein it advises the individual that for a tuition fee of $100 he can take this course. When he graduates he gets some kind of a degree that permits him to practice medicine. Now, listen to this:

> It (the course) takes about 11 weeks, 2 hours every Tuesday evening, making about 22 hours to complete the course, or if you care to you can come down here and spend 2 or 3 days putting in 2 or 3 hours every day. We could cover all of the work in that time. I do not teach any anatomy, physiology, etc. My instructions consist of practical work.

That is all that is necessary to give some kind of a doctor's degree and to let such a so-called graduate practice medicine. In connection with that, this same medical school, or whatever you want to call it, puts out a book for which they charge 50 cents called "Cause and Cure of Cancer."

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. PHILLIPS. Mr. Chairman, in this matter that came through the mail from this so-called school of medicine, the water cure is referred to. It says here in so many words that cancer and many "parasitical conditions" may be cured just by water.

Such advertising by mail or otherwise should be prevented by law.

Mr. Chairman, I wish I had more time to go into this subject. I hope that various amendments which I intend to introduce to strike against fraudulent so-called cancer cures will be agreed to. I intend to introduce them, but if somebody else will introduce them I shall gladly vote to adopt them. If anybody puts out any false advertising or any device, or drug, or anything else that purports to cure cancer, it should be done only in violation of the law and only under severe penalties of the law. Such contemptible individuals purporting to cure cancer should be put in jail if the law is violated.

Mr. Chairman, I yield back the balance of my time.

Mr. MAPES. Mr. Chairman, I yield such time as he may desire to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Chairman, the discussion which has taken place this afternoon with reference to the food and drug bill leaves no doubt it is the desire of this House to pass legislation that will be comprehensive and effective on this vitally important matter. On numerous occasions when measures of this character have been before the House during the last few years I have spoken in favor of the legislation. This afternoon I am just as strongly in favor of such legislation as on previous occasions, with but one exception.

I take it that is the purpose of the proponents of this measure, if we are to judge by their statements, is to perfect and make stronger the present existing provisions of the Food and Drugs Act. This is commendable. A statement of that fact would ordinarily be sufficient to gain support for the bill. However, I wish to emphasize in the closing minutes of this debate the thought that the enforcement provision which has been written into this bill by the Committee on Interstate and Foreign Commerce does not meet with the approval of those who in the past, and over a period of many years, have had charge of the enforcement of the Food and Drugs Act.

The reason it does not meet with their approval is because, in their opinion, it makes the act less effective in enforcement features than the present law. The Committee on Interstate and Foreign Commerce has given this matter considerable attention. I do not agree with the statement made by one of the gentlemen who has spoken this afternoon, when he stated that the committee which has had consideration of the bill has sought from the beginning to make amendments to it that would weaken the bill. Such has not been the case. It is true that amendments to the bill have been made by the committee at the request or suggestion of parties interested in this type of legislation, but in each instance the amendment was made not for the purpose of weakening the bill but for the purpose of clarifying the meaning of the language appearing in the bill. Therefore, as a member of the committee, I cannot agree with the statement that all such amendments were made for the purpose of weakening the bill.

Mr. Chairman, I wish to call the attention of the Members of the House to the fact that many of the outstanding women's organizations of this Nation, and they have probably been the most consistent supporters of this kind of legislation, have very emphatically stated over the signatures of their representatives that unless the section providing for judicial review as now in this bill is stricken out, such organizations must oppose the enactment of the measure. The organizations to which I refer are as follows:

> American Association of University Women, American Dietetic Association, American Home Economics Association, American Nurses Association, Girls Friendly Society of the United States of America, Council of Women for Home Missions, Medical Women's National Association, National Board of the Y. W. C. A. of the United States of America, National Congress of Parents and Teachers, National Council of Jewish Women, National League of Women Voters, National Women's Trade Union League, Women's Homeopathic Medical Fraternity, and National Consumers League.

Is there any justification for the position that has been taken by these worth-while women's organizations? I believe there is. It is to be found in the letter which was written by Secretary Wallace to our colleague the gentleman from Michigan [Mr. MAPES], a member of the Committee on Interstate and Foreign Commerce, in answer to an inquiry from the gentleman with respect to clause (f) of section 701 of the bill. In his letter Mr. Wallace stated:

> I am of the opinion that if section 701 (f) remains in the bill its effect would be to hamstring its administration so as to amount to a practical nullification of the substantial provisions of the bill.

Furthermore, I am advised and believe the fact to be that the Department of Justice has rendered a like opinion in this matter. Unfortunately, it has not appeared in the hearings. Nevertheless, I am confident that it is in existence.

The letter of Secretary Wallace went on to state as follows:

> Frankly, I regard this provision as unfair to the Department, to the public, and to the industries regulated, the majority of which unquestionably would support regulations, based on substantial evidence, which the Secretary of Agriculture would promulgate. It would constitute a serious impediment to orderly administrative operations. If a bill containing this provision were enacted, it would not constitute any material contribution to the public protection that the Department cannot now extend under the existing law. In some respects it would afford even less protection than that afforded by the existing law, which is broad and general in its terms.

It is the Department's considered judgment that it would be better to continue the old law in effect than to enact S. 5 with this provision.

If there is to be exploration into new fields of administrative law, may I urge that it not be in the field of vitally important public health legislation.

That letter was signed by Secretary Wallace as Secretary of Agriculture and whose Department has jurisdiction of the enforcement of the Food and Drug Act.

In the moment that remains I want to emphasize the fact that those who have had charge of the administration of this all-important law over a period of years have stated it to be their considered judgment that the new provision in in the pending bill providing the procedure for enforcement is not as effective as the enforcement provisions now in the present law, and yet this bill is being offered for the purpose of making the present law stronger and more effective. What good does it do if we write into this bill new provisions that will strengthen in some particulars the present Food and Drug Act, if at the same time we withdraw the means of effective prosecution that is now in the law and in its stead place something that is weaker?

The members of the committee who have signed the minority report have done so not because of any opposition to legislation of this character. The fact they have signed a minority report that provides a stronger system of prosecution for violations of the act testifies to their desire to have effective legislation. It is an evidence of their desire to give to this House what we believe the House is anxious to have, namely, legislation that is not only comprehensive but a bill that can be enforced effectively in the interest of the people of this Nation whom it is designed to serve. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. Under the rule for the consideration of this measure, the committee amendment will be read for amendment as an original bill.

The Clerk read as follows:

Be it enacted, etc.

CHAPTER I—SHORT TITLE

SECTION 1. This act may be cited as the Federal Food, Drug, and Cosmetic Act.

CHAPTER II—DEFINITIONS

SEC. 201. For the purposes of this act—

(a) The term "Territory" means any Territory or possession of the United States, including the District of Columbia and excluding the Canal Zone.

(b) The term "interstate commerce" means (1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other Territory not organized with a legislative body.

(c) The term "department" means the Department of Agriculture of the United States.

(d) The term "Secretary" means the Secretary of Agriculture.

(e) The term "person" includes individual, partnership, corporation, and association.

(f) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article.

(g) The term "drug" means (1) articles recognized in the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories.

(h) The term "device" (except when used in paragraph (n) of this section and in sections 301 (i), 403 (f), 502 (c), and 602 (c)) means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other animals.

(i) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles; except that such term shall not include soap.

(j) The term "official compendium" means the official United States Pharmacopœia, official Homœopathic Pharmacopœia of the United States, official National Formulary, or any supplement to any of them.

(k) The term "label" means a display of written, printed, or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper; if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper.

(l) The term "immediate container" does not include package liners.

(m) The term "labeling" means all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.

(n) If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

(o) The representation of a drug, in its labeling, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(p) The term "new drug" means—

(1) Any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this act it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use; or

(2) Any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, as become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

CHAPTER III—PROHIBITED ACTS AND PENALTIES

PROHIBITED ACTS

SEC. 301. The following acts and the causing thereof are hereby prohibited:

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The introduction or delivery for introduction into interstate commerce of any article in violation of section 404 or 505.

(e) The refusal to permit access to or copying of any record as required by section 703.

(f) The refusal to permit entry or inspection as authorized by section 704.

(g) The manufacture within any territory of any food, drug, device, or cosmetic that is adulterated or misbranded.

(h) The giving of a guaranty or undertaking referred to in section 303 (c) (2), which guaranty or undertaking is false, except by a person who relied upon a guaranty or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the food, drug, device, or cosmetic; or the giving of a guaranty or undertaking referred to in section 303 (c) (3), which guaranty or undertaking is false.

(i) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any certificate authorized under the provisions of section 505, or any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of section 404, 406 (b), 504, or 604.

(j) The using by any person to his own advantage, or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this act, any information acquired under authority of section 404, 505, or 704 concerning any method or process which as a trade secret is entitled to protection.

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale after shipment in interstate commerce and results in such article being misbranded.

(l) The using, on the labeling of any drug or in any advertising relating to such drug, of any representation or suggestion that an application with respect to such drug is effective under section 505, or that such drug complies with the provisions of such section.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: On page 48, line 3, after the period, insert "or advertising matter concerning any so-called cancer cure or any drug or device to be used in connection therewith."

Mr. PHILLIPS. Mr. Chairman, I shall not take much of the time of the House because most of the Members on the floor heard the remarks I made a few moments ago on the subject of so-called fake cancer cures. I repeat, there is no such thing as a cancer cure or a device to cure cancer. The only agencies that may be able to suspend the action of the cancerous growth are surgery, X-ray, or radium, and that is all there is to it. Sometimes these effect a so-called cure—only these. Anybody who advertises anything else as a cancer cure is a contemptible faker. In plain English, I propose under this amendment to make it impossible to advertise in interstate commerce any of these fake cancer cures or devices.

Mr. Chairman, I hope my amendment will be agreed to.

Mr. LEA. Mr. Chairman, we have taken care of the advertising feature in the Federal Trade Commission Act which we passed some time ago and under which a man guilty of what the gentleman from Connecticut has just described, would be subject to prosecution. In addition to that, this bill provides for the prosecution of therapeutic claims that are false, such as the gentleman has suggested in connection with the label on the medicine, or if it is in the literature accompanying the drug. So we have taken care of that situation very well already, I believe.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. PHILLIPS].

The amendment was rejected.

The Clerk read as follows:

INJUNCTION PROCEEDINGS

SEC. 302. (a) The district courts of the United States and the United States courts of the Territories shall have jurisdiction, for cause shown, and subject to the provisions of section 17 (relating to notice to opposite party) of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended (U. S. C., 1934 ed., title 28, sec. 381), to restrain violations of section 301 (a) to (d), inclusive.

(b) In case of violation of an injunction or restraining order issued under this section, which also constitutes a violation of this act, trial shall be by the court, or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of section 22 of such act of October 15, 1914, as amended (U. S. C., 1934 ed., title 28, sec. 387).

Mr. VOORHIS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if the gentlewoman from New York [Mrs. O'DAY] were here today and if she were not compelled by illness to be absent, she would be one of those most interested and most active in discussing this bill.

In view of the fact she is ill and unable to be here and that she has prepared a very forceful and excellent statement on this bill, I ask unanimous consent that she may be given permission to extend her remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mrs. O'DAY. Mr. Chairman, over a year after the food, drug, and cosmetic bill passed the Senate it is reported to the House by the Committee on Interstate and Foreign Commerce, and reported with a joker in it that will defeat its purpose. This joker is found in section 701 (f), which provides a new and disastrous method for judicial review of administrative regulations.

The St. Louis Post-Dispatch, in an editorial on Monday, May 2, aptly diagnosed the effect of this method of judicial review in the following words:

The bill as it stands marks a victory for the minority that has profited by the defects of the present law. It marks a defeat for the consumer and for ethical business. The revised bill has other defects as well, but section 701 (f) is the major flaw which should arouse public concern.

By all means, the committee or the House itself should kill this dangerous provision. Failing that, it would be wise to shelve the matter and wait for action at the next session of Congress. The present law, after all, is merely a weak one. The pending bill, with its joker, is a vicious measure.

The editorial quotes various opinions, including the minority report of the committee, Secretary Wallace, and the Journal of the American Medical Association, which sees justification in a demand by every consumer of foods, drugs, and every user of diagnostic and therapeutic devices that his Representative in Congress use his best efforts to prevent enactment of the bill in the form proposed.

The editorial also quotes a spokesman for the National League of Women Voters, who said at the recent national convention of the organization in St. Louis that—

It might be a generation before any one regulation of major significance would go into effect.

Fourteen national organizations seek defeat of this bill unless the judicial review section is eliminated. Each Member of the House has received a communication stating:

The undersigned organizations have worked consistently for the past 5 years for an adequate revision of the present Food and Drug Act to insure protection of the public from dangerous and fraudulent products. No bill which has been before the Congress in the past 2 years has entirely met the standards for such legislation which we as consumers consider reasonable; but as long as proposed legislation offered measurable improvement over the present act the undersigned organizations have accepted modifications.

S. 5 as now reported to the House contains a provision, section 701 (f), which is not only a radical departure from existing administrative law but would prevent quick and effective action against dangerous and fraudulent products.

We are convinced that this proposal for judicial review of regulations more than offsets the improvements over the present law contained in the bill. Unless this section providing for judicial review is struck out, the undersigned organizations must oppose the enactment of the measure.

Signed by representatives of:
American Association of University Women.
American Dietetic Association.
American Home Economics Association.
American Nurses' Association.
Girls' Friendly Society of the U. S. A.
Council of Women for Home Missions.
Medical Women's National Association.
National Board of the Y. W. C. A. of the U. S. A.
National Congress of Parents and Teachers.
National Council of Jewish Women.
National League of Women Voters.
National Women's Trade-Union League.
Women's Homeopathic Medical Fraternity.
National Consumers' League.

These organizations have been reasonable in their demands, and have, as they say in their letter, accepted modifications in the bills as long as measurable additional protection to the consumer was offered. That they have now taken the position that the present law, weak as it is, offers more protection than would be possible under the bill as proposed should carry weight with Members of the House.

The need for new legislation in the consumers' interest is generally acknowledged. We were told that when advertising control was taken from this bill and made a part of the function of the Federal Trade Commission that industry opposition would cease, and yet we now have a measure before us entirely unacceptable to consumer groups. Certainly the measure should be defeated in its present form. But after 5 years of consideration, failure to pass a measure giving adequate protection to the consumer will be an indictment of the Congress.

The Clerk read as follows:

PENALTIES

SEC. 303. (a) Any person who violates any of the provisions of section 301 (a) to (l), inclusive, shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year, or a fine of not more than $1,000, or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this section has become final such person shall be subject to imprisonment for not more than

3 years, or a fine of not more than $10,000, or both such imprisonment and fine.

(b) Notwithstanding the provisions of subsection (a) of this section, in case of a violation of any of the provisions of section 301 (a) to (l), inclusive, with intent to defraud or mislead, the penalty shall be imprisonment for not more than 3 years, or a fine of not more than $10,000, or both such imprisonment and fine.

(c) No person shall be subject to the penalties of subsection (a) of this section, (1) for having received in interstate commerce any article and delivered it or proffered delivery of it, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of an officer or employee duly designated by the Secretary the name and address of the person from whom he purchased or received such article and copies of all documents, if any there be, pertaining to the delivery of the article to him; or (2) for having violated section 301 (a) or (d), if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect, in case of an alleged violation of section 301 (a), that such article is not adulterated or misbranded, within the meaning of this act, designating this act, or to the effect, in case of an alleged violation of section 301 (d), that such article is not an article which may not, under the provisions of section 404 or 505, be introduced into interstate commerce; or (3) for having violated section 301 (a), where the violation exists because the article is adulterated by reason of containing a coal-tar color not from a batch certified in accordance with regulations promulgated by the Secretary under this act, if such person establishes a guaranty or undertaking signed by, and containing the name and address of, the manufacturer of the coal-tar color, to the effect that such color was from a batch certified in accordance with the applicable regulations promulgated by the Secretary under this act.

SEIZURE

SEC. 304. (a) Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or which may not, under the provisions of section 404 or 505, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: *Provided, however,* That no libel for condemnation shall be instituted under this act, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this act based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal, injunction, or libel for condemnation proceeding under this act, or (2) when the Secretary has probable cause to believe that the misbranded article is dangerous to health or that the labeling of the misbranded article is, in a material respect, false or fraudulent; and in any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district in a State contiguous to the State of the claimant's principal place of business, such district to be agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, to be designated by the court to which the application was made.

(b) The article shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury. When libel for condemnation proceedings under this section, involving the same claimant and the same issues of adulteration or misbranding, are pending in two or more jurisdictions, such pending proceedings, upon application of the claimant seasonably made to the court of one such jurisdiction, may be consolidated for trial by order of such court, and tried in (1) any district, selected by the claimant, where one of such proceedings is pending; or (2) a district in a State contiguous to the State of the claimant's principal place of business, such district to be agreed upon by stipulation between the parties, or, in case of failure to so stipulate within a reasonable time, to be designated by the court to which such application was made. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

(c) The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized, and as regards fresh fruits or fresh vegetables, a true copy of the analysis on which the proceeding is based and the identifying marks or numbers, if any, of the packages from which the samples analyzed were obtained.

(d) Any food, drug, device, or cosmetic condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such article shall not be sold under such decree contrary to the provisions of this act or the laws of the jurisdiction in which sold: *Provided,* That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such article shall not be sold or disposed of contrary to the provisions of this act or the laws of any State or Territory in which sold, the court may by order direct that such article be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of this act under the supervision of an officer or employee duly designated by the Secretary, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond. Any article condemned by reason of its being an article which may not, under section 404 or 505, be introduced into interstate commerce, shall be disposed of by destruction.

(e) When a decree of condemnation is entered against the article, court costs and fees, and storage and other proper expenses, shall be awarded against the person, if any, intervening as claimant of the article.

(f) In the case of removal for trial of any case as provided by subsection (a) or (b)—

(1) The clerk of the court from which removal is made shall promptly transmit to the court in which the case is to be tried all records in the case necessary in order that such court may exercise jurisdiction.

(2) The court to which such case was removed shall have the powers and be subject to the duties, for purposes of such case, which the court from which removal was made would have had, or to which such court would have been subject, if such case had not been removed.

Mr. REES of Kansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REES of Kansas: On page 53, line 14, after the word "fraudulent", strike out the semicolon, insert a period, and strike out all of the remainder of line 14 and all of the remainder of this paragraph, down to and including all of line 23.

Mr. REES of Kansas. Mr. Chairman, this section provides that the action shall be brought in any district court of the United States in the jurisdiction within which the article is found. I am striking out the proviso that says that "in any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district in a State contiguous to the State of the claimant's principal place of business."

It seems to me we are departing from the rules of procedure to permit this removal without cause shown just because the plaintiff wants to move his case to some other jurisdiction. In this event all he has to do is to file a motion and say he wants to go to some other court in some other State and then have a trial in some adjoining State.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield.

Mr. HOUSTON. Does the gentleman mean that if such an action were brought in the District Court of Kansas, for example, and the claimant wanted to move it back to Detroit or some other place, he could do so under the provisions of the bill?

Mr. REES of Kansas. Yes; if the case were brought in Kansas he could go to Missouri or some other State.

Mr. HOUSTON. The gentleman's amendment would cause the action to be tried in the district where it originated.

Mr. REES of Kansas. Yes; it seems to me there is no occasion for the claimant to have this particular privilege granted to him. He ought to have his case tried in the jurisdiction where the action arises, just as would be the case in any other action.

Mr. Chairman, I think this amendment ought to be adopted.

Mr. LEA. Mr. Chairman, do I understand the gentleman from Kansas believes that removal ought not to be permitted to the State where the claimant resides?

Mr. REES of Kansas. The bill says the jurisdiction within which the article is found.

Mr. LEA. Does the gentleman's amendment propose to have the trial where the article is found or where the defendant resides?

Mr. REES of Kansas. I would have no objection if the action were brought where the person resides, but it seems to me there is no occasion to provide here that simply because he is not satisfied, for instance, with the court in

Kansas, on his own motion go over to Missouri, Nebraska, Colorado, or Oklahoma because he thinks there is a more favorable court there. In all other instances, if you want your case removed, you have to make some showing that the application is made by reason of the court being unfair to you or that your rights are jeopardized so that you may secure a change of venue.

Mr. LEA. Mr. Chairman, this provision is a little unusual. Seizure is made upon the theory that it is a proceeding in rem, similar to an action in admiralty. It is the article seized that gives the jurisdiction, instead of the person. In order to give that person a reasonable concession of convenience, the bill provides for removal of the case not to his State, but to a contiguous State. Ordinarily where removal is permitted, it would be to the residence of the claimant, the interested party, but this section denies him that privilege, and sends him to another State, and in case the parties do not agree by stipulation on any particular court; that is, if the Government does not agree with him as to what court it shall be then the court selects the court where the trial shall be held. Nobody raised any objection upon the theory that the gentleman from Kansas raises.

Everybody concedes that it is a fair thing to give him a trial in the neighborhood where he lives. The Senate provided that he is entitled to a trial in the district where he lives, and the House committee has denied him that privilege, and requires him to go to a contiguous State. So I think this provision should be no less liberal than it is. If the seizure is made in New York, should a man in California be required to come to New York? The bill is written so that the California man may have to go to Oregon or Arizona for trial. I do not see any excuse for bringing a man across the continent for trial when the case can be tried with equal facility by the Government in a contiguous State.

Mr. HOUSTON. Then as I understand it, under the provisions of the bill, it is providing for what might be called neutral ground.

Mr. LEA. That is the object. I might say that I did not approve the position of the committee with much enthusiasm. But the position was that the claimant is entitled to a neutral court, and it might be disadvantageous for the Government to go into the State where the claimant resided, where the influence perhaps in favor of the manufacturing concern might make it impossible for the Government to get a fair trial. That is the theory of this section. It is not such as the gentleman interprets it at all.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. LEAVY. In addition to what the gentleman said, does not the section in fact rather provide that where the Government has had two or more libels within the territory of the United States against the same owner, then the provision for trial in one court shall be final.

Mr. LEA. The bill provides for consolidation. That is just a matter of efficiency of administration.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LEA. Yes.

Mr. REES of Kansas. This bill provides that the claimant is the one who can remove the case.

Mr. LEA. Yes.

Mr. REES of Kansas. Can the gentleman give any reason why a claimant or anybody else should ask for the removal of a case without giving some good reason for it, just as he would have to do in case of a change of venue?

Mr. LEA. The ordinary reason would be that the party in interest would have a right to a trial where he lives, but being a proceeding in rem, he does not have that right, but the committee tried to a degree at least to give him that kind of justice that we would give in a personal action, and permitted the trial to be moved to a contiguous State.

Mr. REES of Kansas. So the bill gives a manufacturer half a dozen places to go.

Mr. LEA. It is to a contiguous State. He does not have the right to take it to his own State at all.

Mr. HOFFMAN. What is the objection to an amendment—on I think it is page 53—after the word "jurisdiction" in line 1, which would permit, for instance, an apple grower in California whose fruit is seized in New York or Chicago, to have a trial in a district court in California? Why make him come clear across the continent? He would not be able to do that in a financial way.

Mr. LEA. The committee did not grant him that much privilege, but the committee does give him the privilege of going to a State contiguous to his own State.

Mr. HOFFMAN. But in that case he still has to go outside. In the case of a small grower, the financial burden might be too great so that he could not get into court at all. Does the gentleman not think the Government would get a fair trial in the district court in California?

Mr. LEA. I do. I recognize the point the gentleman makes, and there is a lot of merit in it. What we have done is to grant a degree of liberality in favor of the claimant, but I think that does no injustice to the Government.

Mr. HOFFMAN. Do you fix it so that a man who is accused of an offense can get into court at all?

Mr. LEA. Yes; but not with the facility that is desirable.

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

The Clerk read as follows:

HEARING BEFORE REPORT OF CRIMINAL VIOLATION

SEC. 305. Before any violation of this act is reported to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

Mr. TOWEY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. TOWEY: Page 56, section 305, lines 20 to 25, inclusive, strike out all of section 305.

Mr. TOWEY. Mr. Chairman, the remarks which I shall make in connection with this proposed amendment and the bill under consideration represent not only my own views but the expressed views of the Medical Society of the State of New Jersey, determined by their formal action from time to time. The Medical Society consists of 3,600 members and through their legislative delegates have advised me that they are in opposition to S. 5, for they feel after study of the problem that the present Wiley Act if properly and adequately enforced would give the necessary protection to the health of the people of America in whom they are primarily interested rather than the drug manufacturers. The proposed reason for this bill is that it is to cover by regulation cosmetics and therapeutic instrumentalities. These good doctors feel that adequate provisions could be put in the Wiley Act to include these matters. They feel that the only criticism that can be directed against the Wiley Act is not its provisions but the fact that those who should have enforced its provisions have not a hundred-percent record or anything approaching that figure in that respect. As the distinguished gentleman from California, the chairman of the committee in charge of the legislation, stated in his opening remarks to the Committee today that this bill in the field of food and drug control represented a development of administrative law such as has become very noticeable in legislation during recent years, rather than an attempt to enforce this type of act through the courts. The philosophy behind this type of administrative law is that Congress delegates its power to the administrator and the administrator makes the rules and regulations for its enforcement and not only should he have adequate power to meet the objectives desired but he should have unlimited discretion. There are some who still believe that in legislation of this character involving the health and welfare of 130,000,000 people that the criminal and judicial arm of the Government should have a greater part in its functions rather than an administrative officer

with wide discretion and amenable only to the promptings of his own conscience. With reference to the specific section for which I have proposed the amendment under consideration, I wanted to have the opportunity to ask the chairman of the committee to explain its meaning to me but through lack of time he was unable to do so in his opening statement. I then asked the ranking minority member of the committee but unfortunately he, too, said that time was not sufficient for him to give me his views on what is exactly meant by section 305 of this bill. As I read the amendment I come to the conclusion, and a nonescapable one, that we are creating under the provisions of this section a brand-new function for an administrative officer. We are in effect creating an administrative court and giving to an administrative officer the right to conduct a hearing and then to determine in his own judgment as to whether or not he ought to turn the violator of the act over to the criminal authorities for punishment, or to let him go free or with a slap on the wrist in the form of a warning. This is something new in American jurisprudence and it is something which I wish that this Committee will not set a precedent for, and that this section should be stricken out entirely and that when a crime has been committed involving the health and welfare of the people of our country the Secretary should have only one duty and that is to send this man to a proper tribunal of justice to determine whether or not he has been guilty of the crime charged, and not to enact a spectacle of having the administrative officer act as prosecutor and the judge of the same case, and who is probably more interested in having his efficiency record read 100 percent than interested in what justice really means. I believe it is our obligation and duty, Mr. Chairman, to eliminate this section and I ask the support of the members of the committee for my amendment.

[Here the gavel fell.]

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I call the attention of the House to the fact that this section does not require the accused to appear before the Secretary. It is a provision put in for the benefit of the accused so that before his case is reported by the Secretary of Agriculture to the Department of Justice he will have this opportunity to appear and show cause why he thinks it should not be prosecuted. He can remain away if he wants to, and there is no offense on his part in so doing.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. In just a minute.

This section was approved by a representative of the Department of Agriculture. They thought it desirable for the handling of these cases. In the first place, you give the accused the opportunity to know what the offense charged against him is; and there are many minor technical violations that should never be brought to the Department of Justice.

This bill is framed on the theory, with the approval of the Department of Agriculture, of giving this opportunity to minor offenders. We even go so far as to say that where the Secretary of Agriculture reaches a conclusion that the public interest does not require the prosecution that he shall not report it to the Attorney General. So this is a provision for the benefit of the accused and is framed with the idea of disposing of a good many minor cases that do not justify criminal prosecution.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. TOWEY. Does the gentleman find any provision in the bill that limits the provision to this section to minor violations? Does it not say "any criminal prosecution?"

Mr. LEA. Not this section. This section applies to all crimes, but a subsequent section provides for the minor violations.

Mr. TOWEY. The gentleman means the section that follows?

Mr. LEA. Yes; the next section.

Mr. TOWEY. That does not provide anything with reference to exemption.

Mr. LEA. The gentleman is correct in that. This section we are dealing with, of course, refers to his opportunity to be heard before the charge is made. The second section grants him a hearing and gives the Secretary the authority to refrain from reporting it to the Department of Justice even though the respondent is technically guilty.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. TOWEY. The gentleman, of course, is one of our outstanding criminal lawyers, and he knows that is not the practice in criminal law.

When the Department is prepared to send the complaint to the United States district attorney, its duty is ended. Under the gentleman's theory this man could come in and argue before an administrative official of the Department whether or not a crime had been committed; then it would be determined by this administrative officer whether or not that crime had been committed. If he decided no crime had been committed, then the enforcement of the criminal arm of our Government has been thwarted.

Mr. LEA. From the standpoint of technical criminal law, the gentleman is correct. We are not without precedent for this provision, however. In the original Federal Trade Act passed by the Congress, we authorized them, in cases where they thought it was in the public interest not to proceed, to exercise discretion in making a charge, even though technically a charge could be made.

I call attention, however, to the fact that the mere circumstance that the Secretary does not report the offense does not excuse the accused from prosecution. The Attorney General may proceed in case he desires to do so.

Mr. TOWEY. How would he get the information if he did not get it from an administrative officer who had charge of the case?

Mr. LEA. He might get the information from an administrative officer or from any other source. If he sees fit to proceed he may do so.

Mr. TOWEY. I call the gentleman's attention to the fact that these violations are reported to a central department, and this central bureau has charge of them. It is familiar with the facts and it knows whether the law has been violated or not. I say it is their duty under this act or it should be their duty to report that fact to the proper United States authorities.

[Here the gavel fell.]

Mr. CLASON. Mr. Chairman, I ask unanimous consent that the gentleman from California [Mr. LEA] may proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLASON. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Massachusetts.

Mr. CLASON. In speaking of this particular section the gentleman stated that the Department of Agriculture sees no reason why this section should not be in there. I would like to know whether or not the Department of Justice has given any opinion as to this bill or any section thereof?

Mr. LEA. So far as I recall, I have no suggestion from the Department of Justice as to this particular section.

Mr. CLASON. Have you as to any section of the bill?

Mr. LEA. I did as to certain sections.

Mr. CLASON. Is that opinion of the Department of Justice in the report of the hearings before the committee?

Mr. LEA. No. It was in a conversation I had with a Department of Justice official.

Mr. CLASON. The gentleman never received any written report?

Mr. LEA. We may have had some report when the bill was originally drafted, but it did not concern this particular question at any rate.

Mr. CLASON. The Department of Justice has never been called upon to give any opinion in regard to this section?

Mr. LEA. I do not recall whether the Department of Justice appeared at the hearings or not. It may have had its representative there. I cannot say. Perhaps some other Member could give us the information.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. TOWEY].

The amendment was rejected.

The Clerk read as follows:

REPORT OF MINOR VIOLATIONS

SEC. 306. Nothing in this act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this act whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

Mr. TOWEY. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. TOWEY: Page 57, line 3, after the word "Secretary", strike out the words "to report for prosecution" and insert "provided no more than one warning shall be given to any person."

Mr. TOWEY. Mr. Chairman, this is an amendment more or less in the nature of a supplementary amendment to one offered by me to the preceding section. Under this section we have the spectacle of the administrative officer in his sole and uncontrolled discretion determining what is a minor violation of the act. There is no legislative standard set up in the act and there is no definition in the act as to what constitutes a minor violation. What might be a minor violation in one case could very readily be a major violation in another case. Under the provisions of this section, I ask the members of the committee to at least eliminate from the discretion of the administrative officer under this act, actions in which the criminal element may be involved, and retain them only so far as the libel and injunction preceedings may be concerned, although it is my wish that we were able to strike out this entire section. What is a crime should be the function of the courts of the United States, determined and maintained by the doctrines of stare decisis and not by the vagaries of the mental equipment of each new administrative officer who may come into being with the administration at the time in power.

In connection with this matter I am reliably informed that the very same company that produced and sold the elixir product that involved the death of some 90 people a short time ago was the very same company that 2 or 3 years ago also sent out an elixir dangerous in character, and their only punishment was that their goods were libeled. Perhaps if this law had been in effect at that time they would not have reached the libel stage, or a Secretary could have very well said, "This is just a minor violation." This type of legislation is not only dangerous but it is wrong in principle. I believe that Congress has the power, the intelligence, and the ability to determine what is or what is not a violation of the act, and if we have not that ability we ought to stop legislating, or at least should not leave it to some administrative officer in his sole discretion, with the various influences and pressures that may be put upon him to do anything that at the moment he may care to do and which circumstances and expediency may direct that he should do, and from whose ruling and determination of minor violations there is no court of appeals except the undertaker who could be very readily informed that here is the result of a determination of an administrative officer of what constitutes a minor violation of the Food and Drug Act.

Mr. Chairman, the reasons I have stated both on this amendment and the preceding amendment are serious both in their nature and in their effect. I am not standing in the House to hear myself talk. I am speaking in the language and voicing the thoughts of the 3,600 members of the medical society of my State, who have analyzed this bill and who wish that Congress would put the necessary safeguards to protect the health of our people.

You heard the distinguished gentleman from California, the chairman of the committee, say in discussing the preceding section that a man had a right to come in before the Secretary and plead his so-called criminal case. We are not interested in the manufacturer, we are interested in the human beings, the so-called guinea pigs on whom these things are tried out. It is our duty and our obligation to try to protect those people and never mind protecting the manufacturer in connection with the new court which has been established in America, the court in the office of the Secretary of Agriculture.

Mr. Chairman, I ask that this amendment be agreed to.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would concede the purely technical justification for what the gentleman states, but on the other hand we must remember there will be and doubtless are now thousands of technical violations of the food and drug law which cannot as a practical matter be prosecuted. To prosecute people for purely technical violations would lead to such a congestion of the courts as would break down the prosecution. The hardship that would be involved would make the enforcement of the law impracticable. This provision relates purely to a matter preliminary to prosecution. Although the Secretary fails to report, there is no reason why the grand jury, if it sees fit, should not indict the accused. We do give the Secretary this more or less broad discretion to avoid bringing in an excessive number of minor violations.

I believe from a practical standpoint, as it works out, it will add to the respect for the enforcement of the law not to stigmatize it by excessive zeal in these minor cases.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield to the gentleman from New Jersey.

Mr. TOWEY. The Wiley Act has been in effect since 1906. The same minor violations have been going on and there is no provision in the law, that I know of, whereby the Secretary can discontinue the prosecution of these minor violations. That law has been in effect now some 30 years.

Mr. LEA. By very force of necessity the Department is not reporting cases of this type. It is just impracticable to do it. Here we draft a law that candidly recognizes the practical situation. That is the way it appears to me.

Mr. TOWEY. If there is a serious violation there is nothing for the district attorney to do except hope that he may find out this information and start his prosecution?

Mr. LEA. He has that right regardless of the nonaction of the Secretary.

Mr. PACE. Mr. Chairman, I move to strike out the last word.

Does not the gentleman from California believe that under such a broad discretion, in establishing a precedent of this character in the courts of the United States, there should certainly be some definition or some limitation of the word "minor"? The gentleman must bear in mind that here in the city of Washington a police officer is not allowed to settle even a minor traffic violation. Certainly such violations are more numerous than would be violations under this act; yet here you place in the hands of one man and his agents, with no limitation and with no definition, the authority to say whether or not a prosecution shall be had. The gentleman cited a moment ago as a precedent something that was done in the Interstate Commerce Act, and in a few months we will have another bill here and this act will be cited as a precedent.

I am sure the gentleman wishes to preserve American justice and, above everything else, that characteristic American quality of fairness and impartiality. Does not the gentleman believe there should be some definition or some limitation on this broad discretion rather than using merely the word "minor"?

Mr. LEA. Of course, in this particular case we are dealing with the duties of a purely administrative official, and this is far different from dealing with a judicial officer, even

somewhat different from dealing with the Department of Justice. However, there is nothing more common in the practice of criminal law than for the prosecuting attorney to exercise his judgment as to the cases he will prosecute. I believe probably the gentleman has been a prosecuting attorney. Am I correct in that statement?

Mr. PACE. No; I have not been.

Mr. LEA. Anyway, there is nothing more common in the administration of justice than the exercise of the discretion of a prosecuting attorney where he knows it is impracticable to prosecute purely technical violations of the law. This is a candid recognition of that practical situation, and I believe it will work for the betterment of law enforcement. This is the viewpoint of the Food and Drug Administration itself, as it has been transmitted to me.

Mr. TOWEY. Mr. Chairman, will the gentleman yield?

Mr. PACE. I yield to the gentleman from New Jersey.

Mr. TOWEY. I should like to ask a question of the chairman of the committee. What has the gentleman to say about the repeated warnings and as to whether one warning is sufficient or whether a man can keep on continually violating this statute without finding himself at any time in greater danger than of receiving just a warning?

Mr. LEA. I believe he should be prosecuted, and that is what probably would take place. A repetition in the face of a warning would show animus in the case to fully justify prosecution.

Mr. TOWEY. Does the gentleman object to that part of my amendment which would stop a man from proceeding after receiving one warning?

Mr. LEA. Mr. Chairman, may I have the amendment again reported?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWEY: On page 57, in line 3, after the word "Secretary", strike out the words "to report for prosecution, or"; and in line 6, after the word "warning", the following: "provided, no more than one warning shall be given to any person."

Mr. LEA. I can see no objection to that last provision.

Mr. TOWEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TOWEY. Can I offer another amendment to this section just embodying the last part of my previous amendment?

The CHAIRMAN. It will be necessary to dispose of the pending amendment before any other amendment can be considered.

Mr. TOWEY. I shall offer a new amendment after the one now pending is disposed of.

Mr. CLASON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, after reading these two sections, as a former prosecuting attorney, I am certainly somewhat at a loss to find out where there are any teeth left in this bill at all. It seems to me it leaves the prosecuting attorney whose sole duty is to take care of criminal prosecutions, in a position where even if he knows a crime has been committed he must wait until the Secretary of Agriculture acts. To me this seems like a ridiculous situation, particularly if a serious crime, apparently, has been committed. This section 305 states that the person against whom such a proceeding is contemplated shall be given a chance to present his views, and so forth. Now, suppose somebody has been killed or, perhaps, poisoned, apparently from some sort of mixture, is the district attorney going to wait because of the terms of this section until after the Secretary of Agriculture has called someone in from the West, perhaps, to pass upon the crime? To me this seems absolutely impossible.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. CLASON. Yes.

Mr. LEA. The gentleman realizes from this section that it is not necessary for the prosecuting attorney to await a report by the Department of Agriculture. He can proceed immediately if he wants to.

Mr. CLASON. What is he going to be faced with?

Mr. LEA. There is no string on the prosecution or on the indictment of such men. This simply refers to the administrative duty of the Secretary.

Mr. CLASON. And here is what the prosecuting attorney is going to be up against. He tries such a man, and the first question asked of the witness is, "Did this man have a chance to set out his position before the Department of Agriculture; has he been given all the rights of a free American citizen; are you not picking on him?", and all that sort of thing.

I do not believe we want to go around tying the hands of district attorneys and prosecuting attorneys by any more regulations of the Department of Agriculture. It seems to me this committee should have gotten in touch with the Department of Justice and found out how the people who are going to try the cases want these sections written. Who cares what the Secretary of Agriculture has to say with regard to a criminal case any more than you would for any other important official in some other branch of the Government? Why not give the Department of Justice a chance to be heard, and, apparently, no opinion in writing was asked of them. We are told about hearings 4 years ago and 3 years ago and 2 years ago. It seems to me we ought to have this brought up to date and have the Department of Justice, either through Mr. Cummings or through some other high officials of that Department, tell us what they think of these two sections.

Mr. LEA. Mr. Chairman, will the gentleman yield?

Mr. CLASON. I yield.

Mr. LEA. The law speaks for itself, and there are no strings on the Department of Justice or on the grand jury. They can proceed whenever they like.

Mr. CLASON. I am sorry, but I must disagree with the gentleman because I think you are hamstringing any prosecuting attorney when you make it necessary to appear at a trial that he waited for the Secretary of Agriculture or some of his minions to report.

With hearings on this matter all winter, there certainly has been a lot of publicity and notice about this particular act, and I do not see why somebody from the Department of Justice did not have a chance to testify before the committee as to these two sections. It seems to me you have simply drawn the teeth out of this act and the act as you have written it is not worthy of passage. We might just as well stay with whatever food and drug act we have at the present time. As I see it now, anybody can go ahead committing any crime he wants to and to him they will always be minor infractions and by the time he has talked with three or four subordinates in the Department of Agriculture they will wind up in the wastebasket when they ought to appear before a grand jury.

The pro forma amendment was withdrawn.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. TOWEY].

The question was taken, and the amendment was rejected.

Mr. TOWEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWEY: On page 57, after line 6, change the period to a colon and insert *"Provided,* That only one warning shall be given to any person."

Mr. TOWEY. Mr. Chairman, I do not intend to take the time of the Committee, inasmuch as the distinguished chairman of the committee in charge of the bill has indicated that he has no objection to this amendment.

Mr. LEA. Mr. Chairman, I see no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

The Clerk read as follows:

PROCEEDINGS IN NAME OF UNITED STATES; PROVISION AS TO SUBPENAS

SEC. 307. All such proceedings for the enforcement, or to restrain violations, of this act shall be by and in the name of the United States. Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.

CHAPTER IV—FOOD

DEFINITIONS AND STANDARDS FOR FOOD

SEC. 401. Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container: *Provided*, That no definition and standard of identity and no standard of quality shall be established for fresh fruits, fresh vegetables, butter, or cheese, except that definitions and standards of identity may be established for avocadoes, cantaloupes, citrus fruits, and melons. In prescribing any standard of fill of container, the Secretary shall give due consideration to the natural shrinkage in storage and in transit of fresh natural food and to need for the necessary packing and protective material. In the prescribing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowance made for the differing characteristics of the several varieties of such fruit or vegetable. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. Any definition and standard of identity prescribed by the Secretary for avocadoes, cantaloupes, citrus fruits, or melons shall relate only to maturity and to the effects of freezing.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 58, line 2, strike out the words "butter or cheese" and insert in lieu thereof the following: "or butter."

Mr. BOILEAU. Mr. Chairman, I shall not take much time in discussing this amendment as I addressed myself to this particular subject earlier in the afternoon. The amendment strikes out the words "butter or cheese," page 58, line 2, and inserts in lieu thereof the words "or butter", and the effect of it is to strike out the word "cheese." This particular section provides that no definition and standard of identity, and no standard of quality shall be established for fresh fruit, fresh vegetables, butter, or cheese, except that definitions and standards of identity may be established, and so forth.

The purpose of putting that in is to take away from the Secretary the right to fix standards for cheese and butter and these other commodities. It is all right to take from the Secretary the right to issue regulations with reference to butter because butter is a standard commodity, but in case of cheese, there are many different types of cheese, imported cheese, whole-milk cheese, skim-milk cheese, and various other types, so that it is necessary to have power in the Secretary to fix these standards. The entire cheese industry favors this amendment, and I understand that the gentleman from California is willing in his own behalf, at least, to accept the amendment.

Mr. LEA. Mr. Chairman, of course, I have no authority to act for the committee in this matter. I know that the attitude of the committee was to favor the cheese industry in this amendment. I am advised by representatives of the Food and Drug Administration that the amendment is satisfactory to them. I have no objection to this amendment or to the two other amendments the gentleman proposes to offer with respect to cheese.

Mr. BOILEAU. The other two amendments are on page 92.

Mr. REES of Kansas. Do I understand the gentleman does not want to regulate those?

Mr. BOILEAU. No; we want the Secretary of Agriculture to have the right to fix standards for cheese. The language of the bill takes that right from him.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. LEA. Mr. Chairman, I have two other amendments which I desire to offer, and I ask the attention of the gentleman from Michigan. On page 58, after each word "fresh", add the words "or dried", so that it will read "fresh or dried fruits, fresh or dried vegetables." Through an error in rewriting an amendment, this was omitted.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. LEA: Page 58, line 1, before the word "fruits", and before the word "vegetables", insert in each instance the words "or dried."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was agreed to.

The Clerk read as follows:

ADULTERATED FOOD

SEC. 402. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of section 406; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(c) If it bears or contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 406: *Provided*, That this paragraph shall not apply to citrus fruit bearing or containing a coal-tar color if application for listing of such color has been made under this act and such application has not been acted on by the Secretary, if such color was commonly used prior to the enactment of this act for the purpose of coloring citrus fruit.

(d) If it is confectionery or ice cream, and it bears or contains any alcohol or nonnutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze, harmless stabilizer or animal or vegetable origin, natural gum, and pectin: *Provided*, That this paragraph shall not apply to any confectionery or ice cream by reason of its containing less than one-half of 1 percent by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances.

MISBRANDED FOOD

SEC. 403. A food shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If it is offered for sale under the name of another food.

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

(d) If its container is so made, formed, or filled as to be misleading.

(e) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(f) If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 401, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) If it purports to be or is represented as—

(1) a food for which a standard of quality has been prescribed by regulations as provided by section 401, and its quality falls below such standard, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard; or

(2) a food for which a standard or standards of fill of container have been prescribed by regulations as provided by section 401, and it falls below the standard of fill of container applicable thereto,

unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(i) If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavorings, and colorings, other than those sold as such, may be designated as spices, flavorings, and colorings without naming each: *Provided*, That, to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary. Such clause (2) shall not apply to any proprietary food the ingredients of which have been fully and correctly disclosed to the Secretary, if compliance with such clause would give to competitors information they could not otherwise obtain.

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Secretary determines to be, and by regulations prescribes as, necessary in order fully to inform purchasers as to its value for such uses.

(k) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact: *Provided*, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary. The provisions of this paragraph and paragraphs (g) and (i) with respect to artificial coloring shall not apply in the case of butter, cheese, or ice cream.

(l) For the purposes of the Federal Alcohol Administration Act, as amended (U. S. C., 1934 edition, Supp. III, title 27, ch. 8), but not for the purposes of this act, if it purports to be whisky, or if it is represented as "whisky" or "whiskey" (with or without qualifying words) and it or any part of it (other than coloring and flavoring material not to exceed in the aggregate 2½ percent by volume of the product) is distilled from a source other than grain. As so misbranded it shall, notwithstanding any other provision of law, be deemed not to provide the consumer with adequate information as to its identity within the meaning of sections 5 (e) (2) and 5 (f) (2) of the Federal Alcohol Administration Act, as amended. The provisions of this paragraph shall be administered and enforced by the Federal Alcohol Administration under the provisions of the Federal Alcohol Administration Act, as amended.

EMERGENCY PERMIT CONTROL

SEC. 404. (a) Whenever the Secretary finds after investigation that the distribution in interstate commerce of any class of food may, by reason of contamination with micro-organisms during the manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered interstate commerce, he then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health; and after the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into interstate commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

(b) The Secretary is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Secretary shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued or as amended.

(c) Any officer or employee duly designated by the Secretary shall have access to any factory or establishment, the operator of which holds a permit from the Secretary, for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

REGULATIONS MAKING EXEMPTIONS

SEC. 405. The Secretary shall promulgate regulations exempting from any labeling requirement of this act (1) small open containers of fresh fruits and fresh vegetables and (2) food which is, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such food is not adulterated or misbranded under the provisions of this act upon removal from such processing, labeling, or repacking establishment.

TOLERANCES FOR POISONOUS INGREDIENTS IN FOOD AND CERTIFICATION OF COAL-TAR COLORS FOR FOOD

SEC. 406. (a) Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of clause (2) of section 402 (a); but when such substance is so required or cannot be so avoided, the Secretary shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of section 402 (a). While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of section 402 (a). In determining the quantity of such added substance to be tolerated in or on different articles of food the Secretary shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

(b) The Secretary shall promulgate regulations providing for the listing of coal-tar colors which are harmless and suitable for use in food and for the certification of batches of such colors, with or without harmless diluents.

CHAPTER V—DRUGS AND DEVICES

ADULTERATED DRUGS AND DEVICES

SEC. 501. A drug or device shall be deemed to be adulterated—

(a) (1) If it consists in whole or in part of any filthy, putrid, or decomposed substance; or (2) if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 504.

(b) If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such compendium, except that whenever tests or methods of assay have not been prescribed in such compendium, or such tests or methods of assay as are prescribed are, in the judgment of the Secretary, insufficient for the making of such determination, the Secretary shall bring such fact to the attention of the appropriate body charged with the revision of such compendium, and if such body fails within a reasonable time to prescribe tests or methods of assay which, in the judgment of the Secretary, are sufficient for purposes of this paragraph, then the Secretary shall promulgate regulations prescribing appropriate tests or methods of assay in accordance with which such determination as to strength, quality, or purity shall be made. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength therefor set forth in such compendium, if its difference in strength from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States it shall be subject to the requirements of the United States Pharmacopœia unless it is labeled and offered for sale as a homœopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States and not to those of the United States Pharmacopœia.

(c) If it is not subject to the provisions of paragraph (b) of this section and its identity or strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength or (2) substituted wholly or in part therefor.

(e) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

MISBRANDED DRUGS AND DEVICES

SEC. 502. A drug or device shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: *Provided*, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Secretary.

(c) If any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or

sulphonmethane; or any chemical derivative of such substance, which derivative has been by the Secretary, after investigation, found to be, and by regulations designated as, habit forming; unless its label bears the name, quantity, and percentage of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(e) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol: *Provided*, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary. Such clause (2) shall not (except the requirements as to alcohol) apply to any drug the ingredients of which are fully and correctly disclosed to the Secretary.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as the Secretary finds necessary for the protection of users and by regulations prescribes: *Provided*, That where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

(g) If it purports to be a drug the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States, it shall be subject to the requirements of the United States Pharmacopœia with respect to packaging and labeling unless it is labeled and offered for sale as a homœopathic drug, in which case it shall be subject to the provisions of the Hcmœopathic Pharmacopœia of the United States, and not to those of the United States Pharmacopœia.

(h) If it has been found by the Secretary to be a drug liable to deterioration unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Secretary shall by regulations require as necessary for the protection of the public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i) (1) If it is a drug and its container is so made, formed, or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

Mr. REES of Kansas. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. REES of Kansas: Page 71, line 16, after the word "Secretary", strike out the remainder of line 16 and all of lines 17, 18, and 19.

Mr. REES of Kansas. Mr. Chairman, this amendment is to section 502, and has to do with the question of misbranded drugs and devices. We have subsections (a), (b), (c), (e). These subsections describe the different types of misbranded drugs, where it is provided that if it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears the common or usual name of the drug, if such there be, and then go on and describe another class in case it is fabricated from two or more ingredients.

After making different provisos it gets down into the last one, the one we are striking out:

(2) Except the requirements as to alcohol shall not apply to any drug the ingredients of which are fully and correctly disclosed to the Secretary.

What good does it do to disclose those facts to the Secretary? Just because he knows there are certain ingredients in a certain product that are detrimental to one's health will certainly not be of any good to the child who happens to take that particular ingredient in some particular dosage. It seems to me this part of that section ought to be stricken out for the good of the bill; in other words, if you cannot describe the thing as it ought to be described, all you have to do is to write a letter to the Secretary and get around it, then you do not come within the provisions of that particular section. This part of the bill ought to be stricken out. Although we have not sustained very many amendments from the floor this afternoon, I hope that the chairman of the committee will see fit to support this particular motion and strike out this portion of the section.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the clause referred to in the sentence proposed to be stricken out by the gentleman relates to articles fabricated from two or more ingredients, the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol. The section he would strike out would require a statement of ingredients on the label. The bill is not drawn on that general theory.

The theory of this particular sentence is that if there is anything wrong about the prescription the information must be given to the Secretary, who can proceed under the other provisions of the bill to prosecute if it is a case for prosecution. This section is consistent with the general purpose of the bill not requiring a disclosure of the contents of ingredients except as to certain narcotic and potent drugs.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LEA. I yield.

Mr. REES of Kansas. The gentleman from California will observe that under subsection (e), if it is a drug and is not designated solely by a name recognized officially, then it is taken care of if the common name of the drug is used, if there be a common name; and in case it is fabricated of two or more different kinds of drugs it can be described; then it gets down to alcohol and then it gets down to the proposition that you do not even have to do that if you describe it to the Secretary. If you write a letter to the Secretary telling what is in it then you have taken care of yourself under this provision.

Mr. LEA. The drugs prescribed in the Pharmacopœia have their established ingredients. Everybody can know what such a drug is if it is properly labeled. The drug referred to under (2) is a fabricated drug composed of two or more ingredients.

The bill is not drawn on the theory of full disclosure of ingredients to the public. If we wanted a bill that required the disclosure of all the ingredients of patent medicines, or even medicines prescribed by a doctor, we could do that with certain limitations; but that is not the theory of the bill as a whole.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield further?

Mr. LEA. I yield.

Mr. REES of Kansas. Is it not the intention of this particular portion of the bill to require the description of ingredients just as far as possible?

Mr. LEA. Not as far as possible, but where necessary for the protection of the consumer, if there is a narcotic or a potent drug in the combination that is dangerous, in which case it must appear on the label. If the Secretary gets this information and finds that it is not a narcotic or a potent drug and is not dangerous to the consumer, then the manufacturer is relieved from giving that information.

Mr. REES of Kansas. That is, if the Secretary does not think it is poisonous, then the label does not have to show it. Is that what the gentleman means?

Mr. LEA. That is the idea. We assume the Food and Drug Administration is capable of determining the facts.

Mr. SIROVICH. In other words, if the gentleman will yield, we want the public to know if the fabricated medicines contain a narcotic, opiate, or any drug that is likely to prove deleterious or injurious to the human body.

Mr. LEA. Absolutely.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The amendment was rejected.

Mr. PHILLIPS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. PHILLIPS: Page 70, line 5, strike out the period and insert "and if it purports to cure cancer."

Mr. PHILLIPS. Mr. Chairman, the purpose of this amendment is definitely to brand as false or misleading the advertising of any drug or device which purports to cure cancer. May I repeat the remarks I made a few minutes ago when I stated that, as you all know, only surgery, X-ray, or radium can in any way actually cure or control cancer. You cannot sell those devices because they are not devices that in actual fact can be sold for this purpose to a suffering patient, therefore anything else is a fake. Why not definitely write this into the law at this point?

A few minutes ago when I offered another amendment on this subject, the distinguished chairman of the Committee on Interstate and Foreign Commerce asked that it be voted down because, as he stated, we had law enough elsewhere covering the same subject in practically the same way. Let us take his very words. If we have law elsewhere recognizing this subject in this way, why not restate it and write it into this law at this time for the protection of the public?

I hope you will vote for my amendment.

Mr. LEA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in this case I think it is true that as a general rule it is recognized that there is no cure for cancer at the present time, although certain forms of cancer may be cured. We are hoping that the time may be here in the near future when a cure for cancer will be found. It would be unfortunate to have in the statute books of the country a provision which would prevent telling the afflicted of the country the truth and giving them the hope they want. We have a provision in here subjecting a man to prosecution for misrepresentation on the label, so far as the therapeutic value or effect of the drug is concerned. After the passage of this bill, if a man represents he has a cure for cancer when, as a matter of fact, he has not, and he puts that on the label or the accompanying material, he will be subject to prosecution.

That is a practical way of dealing with the question. We should not write into permanent law a statement that no one can cure cancer, because some of these days, I am optimistic enough to believe, a cure will be found, and we do not want a law stating that it cannot be cured.

Mr. PHILLIPS. Will the gentleman yield?

Mr. LEA. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I would like to point out to the distinguished chairman of the Committee on Interstate and Foreign Commerce a statement of fact. A reputable physician or surgeon is not going around in quack medical practice advertising cures; therefore, if a cure should be found between now and the next time this body meets, at which time the bill may be corrected if that is necessary, the gentleman may be assured if such a cure were developed it would not be advertised in charlatan fashion. I repeat, this House will meet in less than a year, and if such a cure is developed the law can be corrected. I hope you gentlemen will accept my amendment to protect the people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. PHILLIPS].

The amendment was rejected.

The Clerk read as follows:

EXEMPTIONS IN CASE OF DRUGS AND DEVICES

SEC. 503. (a) The Secretary is hereby directed to promulgate regulations exempting from any labeling or packaging requirement of this act drugs and devices which are, in accordance with the practice of the trade, to be processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such drugs and devices are not adulterated or misbranded under the provisions of this act upon removal from such processing, labeling, or repacking establishment.

(b) A drug dispensed on a written prescription signed by a physician, dentist, or veterinarian (except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail), shall if—

(1) such physician, dentist, or veterinarian is licensed by law to administer such drug, and

(2) such drug bears a label containing the name and place of business of the dispenser, the serial number and date of such prescription, and the name of such physician, dentist, or veterinarian,

be exempt from the requirements of section 502 (b) and (e), and (in case such prescription is marked by the writer thereof as not refillable or its refilling is prohibited by law) of section 502 (d).

Mr. DOXEY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Interstate and Foreign Commerce a question, after which time I may have an amendment to offer to section 503.

May I say to the gentleman from California [Mr. LEA], and I have discussed this briefly with him before, that in line 18, page 73, in parentheses appears this language:

Except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail.

Mr. Chairman, I am not a doctor, but I want to understand if that exempts a person who treats epileptic fits, for instance? You cannot diagnose a case of epilepsy except by what may be put in writing or unless you see the person in a spasm brought about by epilepsy. Some of them possibly may be considered doing business in the way of prescribing patent medicine, but why is it those people are not exempted from the provisions of this section? I want to know why that is. As I understand, this exception applies only to cases like asthma and epilepsy. I do not see why they should be discriminated against.

Mr. LEA. If the gentleman will yield, I may say that, of course, we have the general rule about disclosure of contents and requiring the label to show the contents of the packages. We have the general provision that doctors' labels are not required to show the contents of their prescriptions. An exception is made here against the physician who diagnoses and treats his patients by mail. The fundamental reason, as I understand it, is that in practice that method has been used for the sale of medicine rather than the practice of medicine. It furnishes a shield and a certain degree of deception to the consumer in the sale of medicine by representing to the purchaser that a doctor has prescribed it, based on his particular case. They bring in the customer and they give him the same treatment that they give everybody else, making him believe that he is being separately treated. So there is no harm, as I see it, to the physician in this case, because he may disclose his formula and use it if it does not violate the law in any respect, and if there are no opiates or narcotics in it he has a perfect right to do that.

Mr. DOXEY. May I ask the gentleman from California [Mr. LEA] if he would accept an amendment striking out the words "except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail"?

Mr. LEA. I could not do that and I would not have the authority. I believe it would be contrary to the policy the committee has in mind.

Mr. SIROVICH. Will the gentleman from Mississippi explain to me how a doctor can make a diagnosis by mail and treat a patient by mail, without it being pure quackery?

Mr. DOXEY. May I say to the gentleman from New York, who has forgotten more about medicine than I know, because I do not know anything about it, that I have in mind one particular firm. I think the chairman of the Committee on Interstate and Foreign Commerce is familiar with the firm. This firm, in my opinion, is doing a great work, because I have seen the facts demonstrated in connection with its treatment of asthma. The gentleman from New York knows what asthma is. The gentleman cannot tell how a patient should be treated for asthma without seeing him when the spasm is on, and I believe the gentleman from New York will agree with me on that.

Mr. SIROVICH. And without examining him thoroughly to find out what is the cause of it.

Mr. DOXEY. And without knowing the history of the case. I understand this medicine has the same application in regard to epileptic fits. Just because those people may be engaged in this specific work they are excepted by this measure from any exemptions. Not only are they caused to disclose their formulas, and everything else, but you say

to them, "You are excepted from this exemption just by virtue of the fact you require your patient to give you a written analysis and history of his case." Is not this discrimination?

Mr. SIROVICH. There is no discrimination.

[Here the gavel fell.]

Mr. DOXEY. I do not want to detain the Committee; but I wish to offer an amendment, which I send to the desk. If you want to discuss it further I should like to do so, and also the amendment I asked the chairman of the committee to accept and which he would not accept. I believe there is a lot of merit to this amendment.

The Clerk read as follows:

Amendment offered by Mr. DOXEY: On page 73, line 18, after the word "veterinarian", strike out "(except a drug dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail)."

Mr. MAPES. Mr. Chairman, will the gentleman from Mississippi yield?

Mr. DOXEY. I yield to the gentleman from Michigan.

Mr. MAPES. I should like to ask the chairman of the committee how long he anticipates continuing the consideration of this bill today?

Mr. LEA. I intend to move that the Committee rise as soon as this amendment is disposed of.

Mr. MAPES. The consideration of this amendment is liable to take some time. I wonder if we could not take up the amendment at the next session.

Mr. LEA. Does the gentleman from Mississippi anticipate that much time will be required in the consideration of his amendment?

Mr. DOXEY. I hesitate taking up very much time. Of course, I cannot qualify as an expert in this discussion. I do know it is far-reaching, and I believe there is considerable interest in this amendment. I believe it might be well, if the gentleman intends to move that the Committee rise just as soon as this amendment is disposed of, to let the amendment go over, and we will dispose of it on Thursday. In the meanwhile, I may get some more enlightenment and some more information in regard to the question.

Mr. LEA. Mr. Chairman, in order to find out what the Committee wants to do, I ask unanimous consent that debate on this amendment close in 5 minutes.

Mr. MARTIN of Massachusetts. Mr. Chairman, I make the point of order a quorum is not present.

Mr. LEA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and, the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill S. 5, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. MAPES. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks I made this afternoon and include therein the minority report on the food and drug bill and excerpts from laws to which I referred.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on this bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the agricultural appropriation bill and include therein certain tables.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made this afternoon on the food and drug bill and include therein brief excerpts from two magazine articles to which reference was made in my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. BINDERUP. Mr. Speaker, owing to the lateness of the hour, I ask unanimous consent that the time that has been allotted to me to address the House today may be transferred to Thursday next.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

EXTENSION OF REMARKS

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short editorial by David Lawrence.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

INTERSTATE COMPACTS FOR CRIME PREVENTION

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to address the House for 6 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. Mr. Speaker, I should like to direct the attention of the House to a unique movement in this country, and a very important one. There was assembled in the city of Washington today the executive committee of the Interstate Commission on Crime.

Some members of that committee are now in the gallery: Judge Richard Hartshorne, of New Jersey, chairman; Attorney General Clarence V. Beck, of Kansas; Attorney General P. Warren Green, of Delaware; Attorney General Greek L. Rice, of Mississippi; and Col. Anthony P. Sunderland, of Connecticut.

In 1932 a bill was introduced in the House providing as follows:

That the consent of Congress is hereby given to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and to establish such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts.

I had the honor of introducing that bill. It was not approved by Congress at that session, but in 1934 I introduced a similar bill which became law.

The House Committee on the Judiciary, when it approved the bill and submitted it to Congress, presented a brief report as to the purposes of the bill. This report pointed out that, under section 10, article 1, of the Constitution—

No State shall, without the consent of Congress * * * enter into an agreement or compact with another State * * *.

In part the report of the committee read:

The rapidity with which persons may move from one State to another, those charged with crime and those who are necessary witnesses in criminal proceedings, and the fact that there are no barriers between the States obstructing this movement, makes it necessary that one of two things shall be done, either that the criminal jurisdiction of the Federal Government shall be greatly extended or that the States by mutual agreement shall aid each other in the detection and punishment of offenders against their respective criminal laws.

Since this is a matter of mutual importance and mutual interest, and subject to the control of the States, each of which is confronted with the same necessity, it seems absurd that the present handicap which they impose on each other should be continued. This bill seeks to remove the obstruction imposed by the Federal Constitution and allow the States cooperatively and by mutual agreement to work out their problems of law enforcement. Clearly the Federal Government cannot assume this jurisdiction and take over this responsibility. Its organization makes it

utterly unfitted for the purpose. The States have an adequate constabulary, the Federal Government a very limited constabulary which could be used for the purpose of enforcing any Federal laws governing new offenses under the interstate-commerce clause.

That the States have cooperated together since the passage of the Compact Consent Act has been obvious from developments subsequent.

In 1935 a Nation-wide conference of officials from the States and the Federal Government to consider ways and means of coping with the interstate criminal resulted in the establishment of an official body, the Interstate Commission on Crime. This organization, concentrating entirely in the field of crime control, has, in the past 2 years, brought about a great deal of uniformity and cooperative action by the States in combating the criminal. Four reciprocal laws have been drafted by the Commission and adopted already by 31 States, in whole or in part. These deal with extradition of criminals, the rendition of witnesses between States, the fresh pursuit of criminals across State lines, and the interstate supervision of parolees and probationers. In addition the Commission has been instrumental in obtaining the signatures of 25 States to the interstate compact for the supervision of parolees and probationers—a compact with more contracting State sovereignties than any other the country has ever seen, with the exception of the Constitution itself.

There should be on your desks tomorrow the annual report of this Commission, representative of the States and the Federal Government. You will find in it definite proof of the competency of the States to work out successfully a mutual problem.

It has been gratifying to me personally to see the response of the States to the opportunity to solve their mutual problem of crime suppression by means of interstate compacts. And I am glad to display here an original copy of the interstate compact to which I have alluded and now to be filed with the Federal Government. This compact, which is set forth in the report referred to, is tangible evidence that the States are carrying out their constitutional power of governing and cooperating "to form a more perfect union."

This movement on the part of the gentlemen who are interested in it and the States that have participated, in my judgment, is as important as any movement that has taken place in America in many a day. We have had the notion in this country that whenever a State confronts a problem that is beyond its capacity to deal with effectively, acting by itself, that the thing to do then is to come to the Federal Government and have the Federal Government assume that responsibility, offering as a good reason why the Federal Government should do it that the problem is beyond the capacity of a State to deal effectively with it.

Now, these gentlemen and the States are making a demonstration, and as we visualize the future, a tremendously important demonstration, that these States by mutual compacts and cooperation may aid each other and thereby do effectively the thing of common interest.

Those of us who have studied the history of governmental developments, and I assume we all have, know that things do not take place, governmentally, as the result of words spoken or written or the deliberation of conventions. People are drawn together and their strength and capacity are unified by doing things together which are to their mutual advantage. The world has learned a great deal about this recently. It has relearned a lesson that it ought to have known long, long ago.

We, for instance, were not confederated in this country by the Articles of Confederation. The Articles of Confederation were declaratory of an existing confederacy. The Colonies had been brought together in the French and Indian War. They were fighting the battle for their independence. Working in confederation, they had done a great many things together before the Articles of Confederation were fashioned. When we came to write the Constitution we did not create a Union by that document. The States had been united by doing things together. They had mingled their blood and their efforts in a common cause. The great value in this demonstration is that it points a way by which we may be able to preserve and really strengthen the States by having the States, as States, through State governmental machinery, attend to domestic governmental responsibility. We can thereby preserve governmental vigor by exercise, by doing the work of government through State governmental machinery instead of shifting it to the Federal organization.

There is no value to be derived from States meeting in conventions and merely resolving that they should do this, that, or the other thing. But when united by doing things together, by demonstrating by actual experience that it is possible to do things together, there is then real accomplishment not only of the specific thing done but in the effect upon the doers. We may then justify the hope, perhaps, that if these States can demonstrate in this field of common interest that by cooperative effort they can accomplish something which theretofore, or under other circumstances, they would come here to accomplish——

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent to proceed for 1 more minute.

The SPEAKER pro tempore (Mr. COOLEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SUMNERS of Texas. We may be able, then, to do something more than decry the centralization of governmental power here in Washington.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. I yield to my distinguished colleague from New York.

Mr. O'CONNOR of New York. Does the gentleman see any danger in cooperation among the States going too far in our plan of government?

Mr. SUMNERS of Texas. I am not sure I have in my mind the concrete situation that the gentleman from New York may have in his mind, but, of course, it could happen.

Mr. O'CONNOR of New York. I have in mind our form of government and our Federal Constitution defining the rights of the Federal Government and the rights of the States. Of course, if there were a combination among the States for certain purposes, it might be contrary to our theory of government.

Mr. SUMNERS of Texas. Yes. May I say to my friend that to guard against that happening we have the provision in the Constitution that this cannot be done except by the consent of Congress. This is the protection which the General Government has against the possibility that my distinguished friend from New York has in mind.

Mr. O'CONNOR of New York. In connection with this matter, do these States come to Congress and ask for our approval?

Mr. SUMNERS of Texas. They do not, with regard to this matter.

Mr. O'CONNOR of New York. That is what I have in mind. They might have some other matters in mind that they might attempt to work out without coming to Congress.

Mr. SUMNERS of Texas. Yes, that could happen, but Congress has gone on the theory that with regard to the suppression of crime, it is a matter that the States interested could be trusted to exercise their independent judgment about.

I appreciate very much, Mr. Speaker, this privilege of addressing the House. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. JONES (at the request of Mr. MAHON of Texas), for today, on account of illness.

To Mr. HARRINGTON (at the request of Mr. BIERMANN), for 7 days, on account of important business.

To Mr. LORD (at the request of Mr. MARTIN of Massachusetts), indefinitely, on account of illness.

ENROLLED JOINT RESOLUTIONS AND BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H. J. Res. 693. Joint resolution making an appropriation to aid in defraying expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg; and

H. J. Res. 687. Joint resolution to amend title VI of the District of Columbia Revenue Act of 1937.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1307. An act for the relief of W. F. Lueders;

S. 3092. An act for the relief of the Georgia Marble Co.; and

S. 3522. An act authorizing the President to present the Distinguished Service Medal to Rear Admiral Reginald Vesey Holt, British Navy, and to Capt. George Eric Maxia O'Donnell, British Navy; and the Navy Cross to Vice Admiral Lewis Gonne Eyre Crabbe, British Navy, and to Lt. Comdr. Harry Douglas Barlow, British Navy.

ADJOURNMENT

Mr. LEA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 1, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

There will be a hearing before the Special Subcommittee on Bankruptcy of the Committee on the Judiciary at 10 a. m. on Wednesday, June 1, 1938, on H. R. 10387, to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, and for other purposes (sec. 77, relative to railroad reorganization). The hearing will be held in the Judiciary Committee room, 346 House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, June 1, 1938. Business to be considered: Hearing on H. R. 10127, railroad unemployment insurance; hearings on H. R. 10620, entitled "To remove existing reductions in compensation for transportation of Government property and troops incident to railroad land grants."

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Saturday, June 4, 1938. Business to be considered: Continuation of hearing on H. R. 4358, train dispatchers.

There will be a subcommittee meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Monday, June 6, 1938. Business to be considered: Continuation of hearing of H. R. 10348, foreign radio-telegraph communication.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1407. A letter from the Administrator of the Federal Housing Administration, transmitting the Fourth Annual Report of the Administration for the year ending December 31, 1937 (H. Doc. No. 696); to the Committee on Banking and Currency and ordered to be printed, with illustrations.

1408. A communication from the President of the United States, transmitting a supplemental estimate for the fiscal year ending June 30, 1939, for the War Department, amounting to $6,000,000 (H. Doc. No. 695); to the Committee on Appropriations and ordered to be printed.

1409. A letter from the Attorney General, transmitting the draft of a bill to amend the act of February 13, 1935, section 3, subsection (b); Forty-third Statutes 936, 939; United States Code, title 28, section 288 (b); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 509. Resolution providing for the suspension of rules for the remainder of the third session of the Seventy-fifth Congress; without amendment (Rept. No. 2517). Referred to the House Calendar.

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 512. Resolution providing for the consideration of S. 5; without amendment (Rept. No. 2518). Referred to the House Calendar.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 9916. A bill to provide for the establishment of a Coast Guard station at or near Shelter Cove, Calif., without amendment (Rept. No. 2519). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 10536. A bill authorizing the United States Maritime Commission to sell or lease the Hoboken Pier Terminals, or any part thereof, to the city of Hoboken, N. J.; with amendment (Rept. No. 2520). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Marchant Marine and Fisheries. H. R. 10672. A bill to amend section 4197 of the Revised Statutes, as amended (U. S. C., 1934 ed., title 46, sec. 91), and section 4200 of the Revised Statutes (U. S. C., 1934 ed., title 46, sec. 92), and for other purposes; without amendment (Rept. No. 2521). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLOOM: Committee on Foreign Affairs. House Joint Resolution 702. Joint resolution to provide that the United States extend to foreign governments invitations to participate in the Third International Congress for Microbiology to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session; without amendment (Rept. No. 2524). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SATTERFIELD: Committee on the Judiciary. H. R. 10171. A bill to amend the act entitled "An act giving jurisdiction to the Court of Claims to hear and determine the claim of the Butler Lumber Co., Inc."; without amendment (Rept. No. 2522). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCK: A bill (H. R. 10785) to amend the Perishable Agricultural Commodities Act, 1930, as amended; to the Committee on Agriculture.

By Mr. IGLESIAS: A bill (H. R. 10786) creating the Puerto Rico Water Resources Authority, and for other purposes; to the Committee on Insular Affairs.

By Mr. PIERCE: A bill (H. R. 10787) to change the name of "Pickwick Landing Dam" to "Rankin Dam"; to the Committee on Military Affairs.

By Mr. STARNES: A bill (H. R. 10788) to establish an ordnance arsenal in the State of Alabama; to the Committee on Military Affairs.

By Mr. VOORHIS: A bill (H. R. 10789) to provide for the financing of commercial and industrial establishments and to maintain and increase the employment of labor by the creation of industrial finance banks with limited powers to

lend, acquire securities, underwrite, discount, and rediscount; to the Committee on Banking and Currency.

By Mr. BEITER: A bill (H. R. 10790) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government; to the Committee on Ways and Means.

By Mr. MILLS: A bill (H. R. 10791) creating the Louisiana-Vicksburg Bridge Commission; defining the authority, power, and duties of said commission; and authorizing said commission and its successors and assigns to purchase, maintain, and operate a bridge across the Mississippi River at or near Delta Point, La., and Vicksburg, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. PIERCE: A bill (H. R. 10792) to authorize the construction of the Umatilla Dam in the Columbia River, Oreg. and Wash.; to the Committee on Rivers and Harbors.

By Mr. GEARHART: Resolution (H. Res. 513) to amend rule XXVII of the Rules of the House of Representatives; to the Committee on Rules.

By Mr. KELLER: Joint resolution (H. J. Res. 703) to authorize the acceptance of title to the dwelling house and property, the former residence of the late Justice Oliver Wendell Holmes, located at 1720 Eye Street NW., in the District of Columbia, and for other purposes; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORSEY: A bill (H. R. 10793) for the relief of Pauline Oettinger; to the Committee on Immigration and Naturalization.

By Mr. IZAC: A bill (H. R. 10794) for the relief of First Lt. Rosanna M. King, Army Nurse Corps, retired; to the Committee on Naval Affairs.

By Mr. LEWIS of Colorado: A bill (H. R. 10795) for the relief of Ben F. Mitchell; to the Committee on Claims.

By Mr. O'BRIEN of Michigan: A bill (H. R. 10796) granting a pension to Arminta B. Chesnut; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 10797) granting a pension to Martha Samsel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5250. By Mr. BROOKS: A petition of the Legislature of Louisiana, asking for the amendment of the Social Security Act so that employees of 55 years and older may participate in pensions; to the Committee on Ways and Means.

5251. Also, petition of the General Assembly of Louisiana, asking for amendment of social-security law so that Federal Government may supply all funds which may be disbursed by several States; to the Committee on Ways and Means.

5252. Also, petition of the General Assembly of Louisiana asking that Social Security Act be so amended as to make findings of Public Welfare Department conclusive as to eligibility; to the Committee on Ways and Means.

5253. Also, petition of the House of Representatives of Louisiana endorsing the National Youth Administration program and urging its continuation and expansion; to the Committee on Appropriations.

5254. Also, petition of the Legislature of Louisiana endorsing Senate bill 419 and House bill 10340, urging Federal financial aid to education; to the Committee on Appropriations.

5255. By Mr. DEROUEN: House Concurrent Resolution No. 7, by Mr. Peters, of the Legislature of the State of Louisiana, petitioning the Congress of the United States to amend the Social Security Act; to the Committee on Ways and Means.

5256. Also, House Concurrent Resolution No. 6, by Mr. Peters, of the Legislature of the State of Louisiana, petitioning the Congress of the United States to amend the Social Security Act; to the Committee on Ways and Means.

5257. Also, House Concurrent Resolution No. 10, by Messrs. Eastland and McCurnin, of the Legislature of the State of Louisiana, petitioning the Congress of the United States to amend the Social Security Act; to the Committee on Ways and Means.

5258. Also, House Resolution No. 4, by Mr. Riddle, of the Legislature of the State of Louisiana, commending the National Youth Administration and its programs; to the Committee on Appropriations.

5259. Also, House Concurrent Resolution No. 11, by Mr. Frazar, of the Legislature of the State of Louisiana, petitioning Congress to enact into law House bill 10340 and Senate bill 419; to the Committee on Education.

5260. By Mr. HOPE: Petition of Rev. D. H. Switzer and 560 other citizens of Rice County, Kans., urging the enactment of legislation which will prohibit advertising alcoholic beverages in the press and radio; to the Committee on Interstate and Foreign Commerce.

5261. By Mr. LUTHER A. JOHNSON: Memorial of Maggie W. Barry, extension adviser, rural organization work, College Station, Tex., favoring House bill 9909, to the Committee on Interstate and Foreign Commerce.

5262. Also, petition of Terry McCary, of Corsicana, Tex., opposing Senate bill 153, the Neely block-booking bill; to the Committee on Interstate and Foreign Commerce.

5263. By Mr. KENNEDY of New York: Petition of the Catholic Daughters of America, South Orange, N. J., numbering 200,000 members, established in 45 States, urging adoption of the Neely bill (S. 153); to the Committee on Interstate and Foreign Commerce.

5264. By Mr. KEOGH: Petition of the Allied States Association of Motion Picture Exhibitors, Washington, D. C., concerning Senate bill 153, to prevent the compulsory block booking and blind selling of motion pictures; to the Committee on Interstate and Foreign Commerce.

5265. Also, petition of the National Congress of Parents and Teachers, Washington, D. C., concerning the Neely bill (S. 153); to the Committee on Interstate and Foreign Commerce.

5266. Also, petition of the Fifth Estate Club, New York City, concerning Senate bills 4042 and 4043, pertaining to World War provisional officers; to the Committee on Military Affairs.

5267. By Mr. KRAMER: Resolution of the City Council of Long Beach, Calif., relative to requesting the Congress to assist in the defeat of a proposed joint resolution relating to oil deposits underlying the submerged lands along the coast of the State of California; to the Committee on the Public Lands.

5268. Also, resolution of the Barbecue Committee of Sunland, Calif., relative to House bill 4199; to the Committee on Ways and Means.

5269. Also, resolution of the board of directors of Alhambra Chamber of Commerce, relative to the National Labor Relations Act, etc.; to the Committee on Labor.

5270. Also, resolution of the Los Angeles County Democratic Central Committee, relative to letter emanating from Adohr Milk Farm to employees in re New Deal policies, taxation, etc.; to the Committee on Ways and Means.

5271. Also, resolution of the Los Angeles County Democratic Central Committee, relative to Spanish embargo, etc.; to the Committee on Ways and Means.

5272. Also, resolution of the Board of Supervisors of the County of Los Angeles, State of California, relative to passage of House bill 4199; to the Committee on Ways and Means.

5273. Also, resolution of board of governors of the State bar of California, relative to Senate bill 3212; to the Committee on the Judiciary.

5274. By Mr. LEAVY: Resolution of the board of directors of the Chattaroy, Cheney, Deer Park, Foothills, Spokane County, and Spokane Valley National Farm Loan Associa-

tions, and signed by the president, vice president, and directors thereof, urging the congressional delegation of our State to work for farm legislation that will bring to the farmer a reasonable return above the cost of production, to which he is justly entitled, and further that the farmer should be charged interest rates comparable to those paid by industry such as the rate at present in effect on Federal Land Bank loans, which rate should be continued permanently by act of Congress; to the Committee on Agriculture.

5275. By Mr. WIGGLESWORTH: Petition of the members of the Federation of State, City, and Town Employees, residing in the Commonwealth of Massachusetts; to the Committee on the Civil Service.

5276. By the SPEAKER: Petition of the Seibert Evangelical Congregational Church, Allentown, Pa., petitioning consideration of their request dated May 26, 1938; to the Committee on Appropriations.

5277. Also, petition of the City Council of the City of New York, petitioning consideration of their resolution G. O. 34 (Res. No. 49) with reference to Home Owners' Loan Corporation Act; to the Committee on Banking and Currency.

5278. Also, petition of Commissioner Anderson for the entire Board of Commissioners of the County of St. Louis, State of Minnesota, petitioning consideration of their resolution dated May 24, 1938, concerning House bill 4199, known as the General Welfare Act, to the Committee on Ways and Means.

SENATE

WEDNESDAY, JUNE 1, 1938

(Legislative day of Wednesday, April 20, 1938)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, May 31, 1938, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 10737. An act to authorize the Secretary of War to grant rights-of-way for highway purposes and necessary storm sewer and drainage ditches incident thereto upon and across Kelly Field, a military reservation in the State of Texas; to authorize an appropriation for construction of the road, storm sewer, drainage ditches, and necessary fence lines; and

H. J. Res. 631. Joint resolution to provide for the erection of a monument to the memory of Gen. Peter Gabriel Muhlenberg.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 52), in which it requested the concurrence of the Senate, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 38,000 additional copies of Public Law No. 554, current Congress, entitled "An act to provide revenue, equalize taxation, and for other purposes," of which 25,000 copies shall be for the use of the House document room, 10,000 copies for the use of the Senate document room, 2,000 copies for the use of the Committee on Ways and Means of the House of Representatives, and 1,000 copies for the use of the Committee on Finance of the Senate.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolutions, and they were signed by the Vice President:

S. 3843. An act to remove certain inequitable requirements for eligibility for detail as a member of the General Staff Corps;

H. J. Res. 687. Joint resolution to amend title VI of the District of Columbia Revenue Act of 1937; and

H. J. Res. 693. Joint resolution making an appropriation to aid in defraying expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lee	Russell
Bailey	Donahey	Lodge	Schwartz
Bankhead	Duffy	Logan	Schwellenbach
Barkley	Ellender	Lonergan	Sheppard
Berry	Frazier	Lundeen	Shipstead
Bilbo	George	McAdoo	Smathers
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Thomas, Utah
Brown, Mich.	Green	McKellar	Townsend
Brown, N. H.	Guffey	McNary	Truman
Bulkley	Hale	Maloney	Tydings
Bulow	Harrison	Miller	Vandenberg
Burke	Hatch	Milton	Van Nuys
Byrd	Hayden	Minton	Wagner
Byrnes	Herring	Murray	Walsh
Capper	Hill	Neely	Wheeler
Caraway	Hitchcock	Norris	White
Chavez	Hughes	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. MINTON. I announce that the Senator from Oregon [Mr. REAMES] is detained from the Senate because of illness.

The Senator from Iowa [Mr. GILLETTE], the Senator from Virginia [Mr. GLASS], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. LEWIS], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Oklahoma [Mr. THOMAS] are detained from the Senate on important public business.

Mr. AUSTIN. The Senator from New Hampshire [Mr. BRIDGES] is absent on account of the death of his wife.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

INVESTIGATION OF SENATORIAL CAMPAIGN EXPENDITURES

The VICE PRESIDENT. The Chair appoints the Senator from Texas [Mr. SHEPPARD], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Michigan [Mr. BROWN], the Senator from Nebraska [Mr. NORRIS], and the Senator from Vermont [Mr. AUSTIN] as members of the Special Committee to Investigate Senatorial Campaign Expenditures for 1938, authorized by Senate Resolution 283 (agreed to May 27, 1938).

Mr. McNARY subsequently said: Mr. President, earlier in the day the Vice President conferred with me concerning the personnel of the committee to be appointed under Senate Resolution 283. I recommended for the consideration of the Vice President the name of the Senator from Vermont [Mr. AUSTIN]. My attention has been called to the language on page 2 of the resolution, as follows:

No Senator shall be appointed on said committee from a State in which a Senator is to be elected in the general election of 1938.

That language disqualifies the Senator from Vermont. I regret that I had not read the resolution, and was not familiar with that language. I beg the pardon of the Vice President. I now suggest the name of the Senator from Maine [Mr. WHITE].

The VICE PRESIDENT. The Chair desires to assume equal responsibility for having made the error. Probably he is more responsible than is the Senator from Oregon, because he had before him the list, as well as the resolution. Without objection, the name of the Senator from Maine [Mr. WHITE] will be substituted for that of the Senator from Vermont [Mr. AUSTIN].

Mr. NORRIS. Mr. President, while this matter is before us, permit me to say that I was absent from the Chamber when the appointments were made, and I have just had my